

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

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P R O C E E D I N G S

Tuesday, October 30, 1979

10:00 o'clock a.m.

DOYLE G. BERRY,
Chairman

Wildlife and Fisheries
Building, Room 102
400 Royal Street
New Orleans, Louisiana

Kathryn G. Chamberlin,
Reporter.



Helen R. Dietrich, inc.
Stenotypists

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P R O C E E D I N G S

. . . Pursuant to notice, the regular monthly meeting of Louisiana Wildlife and Fisheries Commission convened at 10:00 o'clock a.m. on Tuesday, October 30, 1979, in Room 102, Wildlife and Fisheries Building, 400 Royal Street, New Orleans, Louisiana, Doyle G. Berry, Chairman, presiding.

PRESENT WERE:

DOYLE G. BERRY, Chairman
 J. C. FARRELLY, Member
 J. C. GILBERT, Member
 H. CLAY LUTTRELL, Member
 CHARLES A. RIGGS, Member
 J. BURTON ANGELLE, Secretary

A G E N D A

1. Approval of minutes of September 25, 1979. (6)

DR. LYLE ST. AMANT

2. Request for renewal of permit from T. L. (8)

James & Co. to remove fill material from the beds or waterbottoms of the Mississippi River between Mile 60.0 AHP to



Mile 62.0 AHP.

3. Request for renewal of permit from T. L. (8)
James & Company to remove fill material from the Mississippi River between Mile 150.5 AHP and 152.0 AHP.
4. Request for renewal of permit from T. L. (9)
James & Company to remove fill material from the beds or waterbottoms of the Mississippi River between Mile 102 AHP to Mile 103.5 AHP.
5. Request for renewal of permit from T. L. (10)
James & Company to remove fill material from the beds or waterbottoms of the Mississippi River between Miles 116 and 117, opposite Levee Stations 5896 to 6008 in the Pontchartrain Levee District, St. Charles Parish, Louisiana.
6. Request for renewal of permit from T. L. (11)
James & Company to pump sand fill from the Mississippi River, Jefferson Parish at Mile 108 AHP, along the left bank between Levee Stations 6348 and 6415, near Harahan, Louisiana.



7. Request for renewal of permit from T. L. James & Company to pump sand fill from the Mississippi River, between Mile 86.8 and Mile 87.35 near Meraux, St. Bernard Parish, Louisiana. (13)
8. Request for a permit to remove sand from the Atchafalaya River, M. P. 55 to M. P. 61, by J & J Sand Pit Company. (14)
9. Request for renewal of permit from Charles H. Lawrence, Jr., to remove fill from the Mississippi River between Mile 406.0 and Mile 417.0 AHP, along the Togo Island Bar and adjacent to land owned by the applicant. (17)
10. Request for renewal of permit from Louisiana Materials Company, Inc. to remove fill material from the Mississippi River at Mile Posts 177 through 181 (Point Darrow). (18)

MR. KENNETH SMITH

11. Report on dedication of Toledo Bend Facility. (27)

MR. ALLAN ENSMINGER

12. Report on recent alligator season. (29)

OTHER BUSINESS



13. Consideration of deer management research (32)
program for selective harvest purposes.
14. Representative group from deer hunting Area (39)
IV to discuss still hunting area.
15. Discussion of use of steel shot on federal (59)
refuges.
16. Discussion of oyster lease fees and survey (69)
fees.
17. Set date for November and December meetings. (170)
- NOTE: The following items not on the printed
agenda were also considered:
- Coastal Energy Impact Program funds. (20)
- Discussion re closure of Hackberry Bay (170)
and certain other areas to oyster
fishing.
- ADJOURNMENT (180)



CHAIRMAN BERRY: Good morning. We will call the meeting to order. We are glad to have such a good turnout this morning. I take it we are going to talk about oysters this morning; I see they brought the heavyweight along with them again.

The first item on the agenda this morning is approval of the minutes of the September 25 meeting. Do I have a motion?

MR. LUTTRELL: So move.

MR. RIGGS: Second.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

I believe, Harry Schafer, you are going to take Dr. St. Amant's place this morning.

MR. HARRY SCHAFFER: Mr. Chairman, we have a bunch of renewal requests for fill materials. The first one is from T. L. James in the Mississippi River around Mile 60 for renewal. They have met



all the requirement of the permit and we would recommend that this be renewed for a year at the royalty rate of ten cents a cubic yard.

MR. LUTTRELL: I so move.

MR. FARRELLY: I will second that.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)

BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby grant permission to T. L. JAMES & CO. to remove fill material from the Mississippi River, between Mile 60.0 AHP to Mile 62.0 AHP, for a period of one year from October 30, 1979 to October 30, 1980, at a royalty rate



of ten cents per cubic yard.

MR. SCHAFER: The next item is also from T. L. James for renewal of a permit for fill material in the Mississippi River around Mile 150.5 to 152.0 AHP. They have met all the requirements of their permit and we would recommend that this be extended for a year at the royalty rate of ten cents a cubic yard.

MR. LUTTRELL: So move.

MR. RIGGS: Second.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye..

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the
resolution is here made
a part of the record.)

BE IT RESOLVED that the
Louisiana Wildlife and Fisheries
Commission does hereby grant per-
mission to T. L. JAMES & CO. to



remove fill material from the Mississippi River between Mile 150.5 AHP and 152.0 AHP, for a period of one year from October 30, 1979 to October 30, 1980, at a royalty rate of ten cents per cubic yard.

MR. SCHAFER: Again, T. L. James is requesting a renewal of a permit in the Mississippi River at Mile 102 AHP to Mile 103.5 AHP. They have met all the requirements for the past year and we would recommend that the permit be renewed for one year at the royalty rate of ten cents a cubic yard.

THE CHAIRMAN: You have heard the recommendation. Do we have a motion?

MR. FARRELLY: So move.

MR. LUTTRELL: Second.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the



resolution is here made
a part of the record.)

BE IT RESOLVED that the
Louisiana Wildlife and Fisheries
Commission does hereby grant per-
mission to T. L. JAMES & CO. to
remove fill material from the
Mississippi River, between Mile 102
AHP to Mile 103.5 AHP, for a period
of one year from October 30, 1979 to
October 30, 1980, at a royalty rate
of ten cents per cubic yard.

MR. SCHAFER: Item 5 is again from T. L.
James, requesting a renewal of a permit in the
Mississippi River at Mile 116 to Mile 117. They
have met all the requirements of the past permit
and we would recommend that this be extended for
a year at the royalty rate of ten cents a cubic
yard.

MR. FARRELLY: Move.

MR. LUTTRELL: Second.

THE CHAIRMAN: We have a motion and a
second. All in favor say aye.



IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the
resolution is here made
a part of the record.)

BE IT RESOLVED that the
Louisiana Wildlife and Fisheries
Commission does hereby grant per-
mission to T. L. JAMES & CO. to
remove fill material from the
Mississippi River, between Mile 116
and 117, opposite Levee Stations 5896
and 6008 in the Pontchartrain Levee
District, St. Charles Parish, Louisiana,
for a period of one year from October 30,
1979 to October 30, 1980, at a royalty
rate of ten cents per cubic yard.

THE CHAIRMAN: This is T. L. James' day,
I believe.

MR. SCHAFFER: Yes, Item 6 is again T. L.
James in Jefferson Parish at the Mississippi River



Mile 108 AHP. They have met all the requirements for the permit this past year and we would recommend the renewal of one year at the royalty rate of ten cents a cubic yard.

THE CHAIRMAN: Gentlemen, you have heard the recommendation. We need a motion.

MR. LUTTRELL: I so move.

MR. GILBERT: Second.

THE CHAIRMAN: Moved and seconded. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the
resolution is here made
a part of the record.)

BE IT RESOLVED that the
Louisiana Wildlife and Fisheries
Commission does hereby grant per-
mission to T. L. JAMES & CO. to
remove sand fill from the Mississippi
River, Jefferson Parish, at Mile 108 AHP,



along the left bank between Levee Stations 6348 and 6415, near Harahan, Louisiana, for a period of one year from October 30, 1979 to October 30, 1980, at a royalty rate of ten cents per cubic yard.

MR. SCHAFER: The next one is T. L. James also and it is the Mississippi River at Mile 86.8 to Mile 87.35. They have met all the requirements of the permit this past year and we would recommend a year's extension at the royalty rate of ten cents a cubic yard.

THE CHAIRMAN: May I have a motion?

MR. LUTTRELL: I will so move.

MR. FARRELLY: Second.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

Motion carried.

(The full text of the resolution is here made



a part of the record.)

BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby grant permission to T. L. JAMES & CO. to remove sand fill from the Mississippi River, between Mile 86.8 and 87.35 near Meraux, St. Bernard Parish, Louisiana, for a period of one year from October 30, 1979 to October 30, 1980, at a royalty rate of ten cents per cubic yard.

MR. SCHAFFER: The next one is a request for a new permit to remove sand from the Atchafalaya River at Mile Post 55 and Mile Post 61. This is from J & J Sand Pit Company. They will be removing it and moving it down river and then trucking it out. They have complied with all the rules and regulations in submitting the application and it is recommended that we issue a permit for a one-year period at the royalty rate of ten cents a cubic yard.

MR. LUTTRELL: Mr. Schafer, the ones



preceding this have been ones for renewal and the performance by T. L. James has been very satisfactory. I am sure that you have checked this man's ability to perform. On this No. 7, of course, there is a request for a new permit. Has he been checked out closely?

MR. SCHAFER: Mr. Luttrell, of course, Dr. St. Amant handles this and he in his instructions to me said that they had met all the requirements and I would assume that this has been done.

MR. LUTTRELL: Then I so move.

SECRETARY ANGELLE: May I make a comment on that briefly? Last week or week before last when this was brought to my attention, I asked Doc to do just what you mentioned, and he assured me that he had checked it out and everything was in order.

MR. LUTTRELL: Yes, I have no objection, but being a new man, a new permit, it is a little different from the ones above.

THE CHAIRMAN: Mr. Luttrell, I will say this. We who live in Berwick and Morgan City down the river are happy for anybody to take any of that



silt out of the river above us who will take it out.

MR. LUTTRELL: I am sure of that.

THE CHAIRMAN: Do we have a motion?

MR. LUTTRELL: I moved.

THE CHAIRMAN: Do we have a second?

MR. FARRELLY: Second.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the
resolution is here made
a part of the record.)

BE IT RESOLVED that the
Louisiana Wildlife and Fisheries
Commission does hereby grant permission
to J & J SAND PIT CO. to remove sand
fill from the Atchafalaya River,
between Mile Post 55 and Mile Post 61,
St. Martin Parish, for a period of



one year from October 30, 1979 to October 30, 1980, at a royalty rate of ten cents per cubic yard.

MR. SCHAFER: Mr. Chairman, Item 9 is a request for renewal of a permit in the Mississippi River from Charles H. Lawrence at Mile 406 to 417. He has met all the requirements of his past permit and we would recommend that this permit be renewed for one year at the royalty rate of ten cents a cubic yard.

MR. FARRELLY: I so move.

THE CHAIRMAN: We have a motion. Do we have a second?

MR. LUTTRELL: Second.

THE CHAIRMAN: Moved and seconded.

SECRETARY ANGELLE: Mr. Chairman, on Request No. 9 for Mr. Charles H. Lawrence, I wish to inform the board that these people have not dredged the first cubic yard of sand out of that permit from last year but they are asking for a renewal for next year. Just for your information they have not dredged material out of there with last year's permit but they are asking for renewal,



hoping that they will do some dredging in there this year.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the
resolution is here made
a part of the record.)

BE IT RESOLVED that the
Louisiana Wildlife and Fisheries
Commission does hereby grant permission
to CHARLES H. LAWRENCE, JR. to remove
~~fill materials from the Mississippi~~
River between Mile 406.0 and Mile 417.0
AHP, along the Togo Island Bar and
adjacent to land owned by the applicant,
for a period of one year from October 30,
1979 to October 30, 1980, at a royalty
rate of ten cents per cubic yard.

MR. SCHAFER: Item No. 10 is a request



from Louisiana Materials for renewal of a dredge permit in the Mississippi River at Mile Post 177 to 181. They have met all the requirements of the past permit and we would recommend that the permit be extended for one year at the royalty rate of ten cents a cubic yard.

THE CHAIRMAN: We have a recommendation.
Do we have a motion?

MR. RIGGS: I will move.

THE CHAIRMAN: Second?

MR. LUTTRELL: Second.

THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

Motion carried.

(The full text of the
resolution is here made
a part of the record.)

BE IT RESOLVED that the
Louisiana Wildlife and Fisheries
Commission does hereby grant per-
mission to LOUISIANA MATERIALS CO., INC.



to remove fill material from the Mississippi River, between Mile Posts 177 through 181 (Point Darrow) for a period of one year from October 30, 1979 to October 30, 1980, at a royalty rate of ten cents per cubic yard.

MR. SCHAFFER: Mr. Chairman, while I am up here, may I take up one more matter?

THE CHAIRMAN: Yes.

MR. SCHAFFER: It is not on the agenda but we have just received a letter from the Department of Transportation and Development on our application. Mr. Angelle had written in June for some more CEIP money and we have just received word from George Fischer's office that the federal government approved the project for funding. Now we have to go to George Fischer and get the funds from them.

What we would like to have from the Commission is a resolution requesting that this project be given high priority to George Fischer so that they could put it on their list of priorities and get funded. This is a million dollars



we were asking for, and it would be for \$900,000 to plant shell in the seed areas and \$100,000 to move a bunch of oysters in Calcasieu that are in a polluted area so they would be available to the fishermen over there.

THE CHAIRMAN: I think that is a very good idea and the Commission will go on record approving that. Does anybody want to comment on that? Any comments from the audience on it? I never knew anybody to look a gift horse in the mouth.

MR. SCHAFER: All right, we will draw up the resolution and get it to George Fischer and have Mr. Angelle approve it.

SECRETARY ANGELLE: Harry, could we get a voice from the Oyster Association, if they want to support the Commission's resolution in that direction? We would hope that they would. And the record would indicate that.

MR. SCHAFER: In talking to them before, most of them will contact everybody they can.

MR. PETER VUJNOVICH: Commissioner, I am glad to be here today. My name is Peter Vujnovich



and I have been an oyster farmer for the past 43 years. I am a little knowledgeable of this \$1 million grant because the first grant that we received for \$750,000, we received it with the help of Senator Johnston. I spoke this already; last time I brought the letters here and took action through this department to receive \$750,000.

It was also brought to my attention that we have another grant for a million dollars and I was asked that if I could get in contact with Mr. George Fischer to kind of push this up and this is exactly the words I give the gentleman in answer. I say if Fitzmorris happens to be in the second primary I would gladly do it. Then I know that it will be taken up. But if it happens that we have Fitzmorris in the second primary, I will make it my business to go see George Fischer and ask him because I have a copy of the request.

SECRETARY ANGELLE: Who could see Dave Treen in case he's the fellow? Or who could see Lambert?

MR. VUJNOVICH: Well, to see Dave Treen would be a pleasure, or it might be Lambert, too.



MR. FARRELY: So you are in favor of it?

MR. VUJNOVICH: Oh, very much in favor of it because I believe this money was appropriated through the oil companies. They give it to Washington to rebuild what the oil companies have destroyed in the State of Louisiana and, gentlemen, a million and \$750,000 is just a drop in the bucket for what they have done to the Louisiana oyster industry. Thank you.

THE CHAIRMAN: Let me say this, a million dollars is a drop in the bucket compared to what they have paid in taxes and revenue in this state, too.

Does anyone else wish to be heard?

SECRETARY ANGELLE: The Commission has the support of the Oyster Growers Association, is that correct?

THE CHAIRMAN: Let me see a show of hands of those in favor of this resolution, in the audience.

(Show of hands)

Good. Even old heavyweight voted for that! Do we have a motion?



MR. FARRELLY: I so move.

MR. LUTTRELL: Second.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed?

(No response)

So ordered.

(The full text of the
resolution is here made
a part of the record.)

WHEREAS, the Coastal Energy
Impact Program (CEIP) was specifically
designed to respond to a wide range of
environmental, social and economic
problems resulting from coastal and
outer continental shelf energy pro-
duction, and

WHEREAS, the Louisiana oyster
industry has played a very significant
role in the economic and social fabric
of the State, and

WHEREAS, rather significant



environmental damages to the oyster industry have resulted from the searching for petroleum products, the dredging associated with moving and locating drilling paraphernalia or laying of transmission lines, and pollution associated with the petroleum energy, and

WHEREAS, the planting of clam shells to provide cultch for oysters has long been recognized as a good managerial tool in the oyster industry, and the regeneration of coastal oyster beds is the type project that is certainly eligible for CEIP funding, and

WHEREAS, on June 25, 1979, the Department of Wildlife and Fisheries forwarded an application to the Louisiana Department of Transportation and Development (DOTD) for a project to restore oyster reefs on the natural seed grounds of coastal Louisiana, and



to relay oysters from a polluted to a non-polluted area in Calcasieu Lake, and

WHEREAS, the planting of clam shells and the relaying of these oysters is vital to the oyster industry and the funding of this project will make up in part for some of the environmental damages caused to the Louisiana oyster industry by energy exploration and production activities,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission strongly urges and requests Mr. George Fischer, Secretary, DOTD, to do all in his power to secure speedy approval for this application,

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Governor Edwin Edwards, to all members of the Louisiana Congressional delegation, to Ms. Juanita M. Kreps, Secretary of the U. S. Department of



Commerce, Mr. Terry Leitzel, Assistant Administrator for Fisheries, National Marine Fisheries Service, and Mr. Robert W. Knect, Administrator, Coastal Zone Management Program.

THE CHAIRMAN: Kenneth Smith, please.

MR. KENNETH SMITH: Mr. Chairman and Members of the Commission, we had a dedication of our Toledo Bend Research Facility about three weeks ago on October 6. Governor Edwards was scheduled to attend but business in Washington prevented him from being there, but we had a very good event as it was. We had three local legislators. Mr. Riggs came over there and gave us a few comments. Everyone toured the facility and there were very nice comments on the lab and on the work we think we will be able to do and have done. We had a few fried catfish over there and Pepsi-Cola for people to drink and everything went very well.

THE CHAIRMAN: Excuse me, Kenneth. You have got to give Coca-Cola and Dr. Pepper equal time!



MR. SMITH: I am sorry. That was what we had. We had a few Cokes over there, too. A little of everything, as a matter of fact.

We know this facility will serve to expand our fisheries program not only to spawn striped bass, which it has worked out very well in doing this, but we intend to work with the other gamefish species, bass, crappie, the commercial fish over there. Toledo Bend is a very large lake. It offers quite a bit of recreational opportunity as well as commercial, and we certainly do appreciate the help that the Governor's office has given us to make this facility available. We appreciate the help from the legislators who made the funds available, and particularly the backing of this Commission in getting this facility off the ground.

We feel we will be able to move out considerably in our Fisheries program as a result of this particular facility, and we do appreciate the opportunity to move into this. Thank you.

THE CHAIRMAN: Thank you very much. I am sorry the Chairman couldn't go over there. I was out of state on other business. I think the



Secretary was probably politicking for Paul Hardy or somebody and he couldn't be there.

Allan.

MR. ALLAN ENSMINGER: Mr. Chairman and gentlemen of the Commission, I have a very brief report to kind of bring you gentlemen up to date on the outcome of our recent alligator season.

As you are all aware, we concluded our 30-day season on the seventh of October in the 12 coastal parishes that were permitted to be hunted this year by the Endangered Species Act. This area opened represented about 2.7 million acres of our coastal marshlands and we had 746 individuals from here in Louisiana that participated in the alligator season and 15 non-residents that came into Louisiana on a sport hunting alligator hunt.

We issued 17,500 tags and the trappers were successful in harvesting slightly over 16,000 of those skins so it will interpolate into a very good economic income for our coastal trappers and commercial fishing community. Most of these men that participate in the alligator season are trappers who trap on these marshlands during the



trapping season and a large number of them are commercial fishermen who fish shrimp or other forms of commercial fish along our coast.

The skins are selling at this time for about \$15 a foot. The international market is opening up under the recent proposal offered by the U. S. Fish & Wildlife Service in the Federal Register and the change in the status of the alligator on the appendix of the International Trade Convention Treaty to Appendix II. This will permit a movement of these skins in international trade. So, with that opening up of the market, the skins are going for about \$15 a foot. This would represent about \$1.6 to \$1.8 million that will come into the trapping community of South Louisiana. Of course, this is a sustained yield thing, one that we intend to cultivate and develop on into a better and larger industry as it proceeds in the next few years.

We plan to go back to the Fish & Wildlife Service and ask for additional delisting of other parishes in the swamp areas of our state and hopefully we will build this annual harvest of skins



up to slightly above 25,000 skins in the next few years.

Certainly the season was a very successful season. We had no problems with poaching and the Enforcement Division was very helpful and complimentary of the trappers in the field and their following of the regulations as set by you with regard to the attaching of tags and leaving the flaps on the individual skins so that it eliminated any possibility of illegal skins being laundered through our legal program.

We are very happy and we think that the trappers who participated in this thing are very happy with the alligator season. Thank you.

THE CHAIRMAN: Thank you, Allan. Not only did that alligator season bring a lot of extra revenue for people across the coastline but it helped stimulate a dead market so we can have a few alligator products and give us an opportunity to harvest a renewable resource which desperately needs harvesting. One of the main points I might make about this hunt is that I think it is going to save a lot of Labrador retrievers this fall!



SECRETARY ANGELLE: They don't eat oysters!

THE CHAIRMAN: They don't eat oysters but they might eat an oyster fisherman and his dog! I am going to tell you, between those Labrador retrievers and these gooks, some of these dogs and cats have a hard time keeping one now, with the Vietnamese in here.

Joe, are you going to take No. 13?

MR. JOE HERRING: Yes, Mr. Chairman. Mr. Newsome who is head of the LSU Cooperative Wildlife Research Unit appeared before you all yesterday but he was unable to come back today with a proposal for a research project up in East Feliciana Parish for the purpose of trying to get some method to harvest doe deer throughout the state where we have an overpopulation.

He has corresponded with some of you people and the Commission and the Department and a lot of personnel for several months now and we have had quite a few meetings, discussing some type of research project that we could come up with and have some method of taking doe deer or any sex



deer or whatever you want to call it off smaller areas. Right now the way we set our doe seasons over a large area, we have one to five days, and it kind of puts us in a bind sometimes to alleviate a problem in an area, especially where you have a lot of crop damages.

Too, what is happening, our deer herd in certain areas, it has a tendency to make the deer a smaller size because we are not selectively harvesting these deer under the present method that we have.

He has proposed a research project to the Commission. It is on 8,000 acres of land on which they have been doing some research in the past, so they have a base of operations to start this project from. The area is a good size to work with and they have excellent control and good egress and ingress on this. The deer population at this time is about to reach a peak on it.

That is why the LSU Wildlife Research Unit has more or less chosen this area for their research project. They desire to go into this for an either sex deer season for a period of four years



as a research project on that area. To start with, they will use the last segment this year of our deer season to initiate this, which would be December 15 to January 13. Now each year after that they will have similar seasons in there. It could possibly be that same one or go the whole length, to take an adequate number of animals off to upgrade the deer herd in this. I suppose if you really want to compare it, it would be like trying to upgrade the cattle herd. You will be trying to take certain ones off.

This will give a chance on this area, since you have good control on it, to do not only the biological research on it but enforcement because this will be another thing to bring in. They will have on this tags which will be the non-reusable self-locking type that they will put on these animals that are killed off this area so that wherever the person goes, it will have to have this tag on it for the duration until they butcher it at home or take it to the packing house. This will help our enforcement people because this is part of the study to see what enforcement



problems we will have in future years, to really work everything out.

They will then through the LSU Cooperative Wildlife Research Unit make a complete biological check of these animals, especially the does there. They have have the age, sex, weight, blood samples and things like that which are needed and on the bucks naturally the weight, age, antler development because this is really what happens in a lot of our areas, that we do get a heavy population and the antler development starts getting smaller and we need to take animals off a lot of these areas.

They will also check other indicators in a herd there which is the parasite load and keep up with the range conditions on there because that is real important. These animals do carry a lot of times over the state a good parasite load and also the range has a lot to do with the size of the animal and also the antler development.

At the end of the first year he proposes to come back to the Commission and that would be prior to the public hearings then, so we would have



this information for our use there and for your use in meeting to set the seasons. They will come back with a complete report of what was found this first year.

This will be done at the end of each season thereafter. After the second season, it will be a comparison of the data from that to the first season, the third season, bringing it right up to date with the three, and then after the four years of the study, then it will be a complete report on it, which should give some very valuable biological information.

I think such a study as Mr. Newsome has proposed here is good for several things. I think, with the clubs and private landowners we have throughout the state who are really wanting to do something on the deer herds, this would be good public relations for us. I think when we work everything out it will be good enforcement and also be good biology on this thing. I think what he has proposed here looks like a pretty sound proposal. It would cover a lot of aspects of some of our deer management. We feel like we know a



lot about deer as well as other game species but sometimes when we get down to the nitty-gritty, we need some information just on certain areas and how you can work this as far as the sportsmen of our state need and what they are looking for a lot of times. I think this will help all the way around.

THE CHAIRMAN: Thank you very much, Joe. You have heard the recommendation. Do I have a motion?

MR. GILBERT: Yes, Mr. Chairman. From the information that Mr. Herring gave us plus Mr. Newsome yesterday, I feel that this is a good program and I think that the Commission should go along with the program, and I would herewith move that we enter into this deer management research program as proposed by Mr. Herring.

MR. HERRING: Mr. Chairman, I feel like I covered everything in the objectives and justifications and procedures that have been worked out through the Wildlife Unit there at LSU. I will say one thing, we do have a real good Wildlife Research Unit at LSU. It stands tops in the



nation with their research and I would like for this, just so it wouldn't be misconstrued or anything, that his proposal be entered as a part of the minutes on this. I have given the clerk a copy and also the press has been furnished with copies of this, so if anyone would have any questions to ask about it, we would certainly be glad to sit down with them and discuss this and the reasons and everything for that. We would be most happy to give anyone copies of this proposal that would so desire. Thank you.

THE CHAIRMAN: Thank you, Mr. Herring.
We have a motion. Do we have a second?

MR. LUTTRELL: Second.

THE CHAIRMAN: Any further discussion on this issue? I will call for a vote. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Unanimous. So ordered.

(A copy of the proposal
outlining "An Experimental
Deer Harvest
Management Program" is



appended hereto as
"Appendix A" and made
a part hereof.)

THE CHAIRMAN: I would like to take just a minute to make a point at this time about the deer in this country. I never really realized it until a short time ago when somebody showed me the history and the story on it.

I didn't realize that we have more deer in America today than we had when Columbus came to America. I asked the guy, "How did you get this all figured out?" He said, "Well, when Columbus came to America we had all wooded areas. There were very few pastures, only where lightning had struck and burned it out, with any grass for them to eat. The browse was pretty high because of the big trees and the coverage and the limbs were up high so they didn't have much to browse on and they didn't have any farmers' haystacks to raid." So, we actually have a much better deer crop in the United States today than we had when Columbus came here and we certainly have a much better deer crop today than we had when I was a boy. If you



saw a deer track back in the 30s and 40s, you had a big, big year -- not a day, a big year. You didn't see the animal, you just saw his track, and you thought you had done something. So it does prove that good conservation, good management pays off, and I think it is a good idea that we go along with this proposal Mr. Herring presented to us, because it does show the landowners we are trying to cooperate with them and trying to help them manage the resources of this state.

I guess, being a free enterprise man, it comes down to the point that if I am furnishing the groceries, I want to have something to say about who is eating them. If he owns that 8,000 acres and he is feeding those deer, I think he should have the right to manage it in good fashion.

We will cover Item 14 now. We have some representatives from deer hunting Area IV to discuss still hunting areas. Who wishes to be heard first? Mr. Avant.

MR. JOHN AVANT: Mr. Chairman and Members of the Commission, my name is John Avant. I am a resident of East Baton Rouge Parish, a landowner



in East Baton Rouge Parish.

You may recall I appeared before this Commission on May 24 at the Gateway Hotel in Jefferson Parish, pursuant to a duly advertised public hearing, and presented a petition of a number of landowners in the northeastern part of East Baton Rouge Parish and the southeastern part of East Feliciana Parish, requesting the establishment of a still hunt only regulation in a certain area.

Following that public hearing and in accordance with the rulemaking authority that this body has under the law, a still hunting only regulation was established in an area that embraces approximately 50,000 acres of land in the northeastern part of East Baton Rouge Parish and the southeastern part of East Feliciana Parish.

Thereafter, at a regular monthly meeting of the Commission -- and I am not faulting anyone or criticizing anyone; please don't misconstrue my remarks -- Mr. Babin, whom I have talked to today and whom I respect, appeared and he requested that that regulation be overturned. It is my



understanding that it was overturned, although the regulation had been published in the official publication of the rules and regulations to govern this coming hunting season.

I am going to be very brief. I am not going to repeat all that I told you the night of May 24.

Mr. Moreland tells me that this area that is embraced on this map contains slightly over 50,000 acres. I think it is 50,620 acres, that is the figure I recall. I have previously filed petitions from landowners in that area and I would like to supplement that at this time with an additional petition. We have petitions from 42 landowners in that area who own 30,000 of those 50,000 acres. They are all primarily farmers. They are in the dairy business. They are in the beef business. Most of them are hunters. We have a serious enforcement problem in the area with people shooting deer at night and from the road and I am not laying this on any legitimate hunting club because they are not the violators.

We feel, based upon what we have been



told by the people in the enforcement division, that the way to cure the violations that we have, the most significant thing that can be done is to make this a still hunting only area, and that, in addition to trespass and harassment by dogs of livestock, is the reason that these landowners are making this request.

We feel that it is biologically sound because we don't feel that the deer herd in this area at this time can sustain dog hunting, especially if dog hunting brings with it certain problems of enforcement and violations by outlaws, which I am told that it does.

I would like to say this. If this body in its wisdom could come up with a regulation which would protect the legitimate interests of law-abiding hunting clubs who have sufficient lands to dog hunt and can keep the dogs on their property and keep them out of our cow herds and keep them off our property, we don't quarrel with that. But apparently that is something that the technology is not available. I mean no one has been able to come up with a satisfactory solution.



I am going to leave it with you with this simple statement, that we have presented to you petitions from 42 landowners who own and live on 30,000 of these 50,000 acres, and we would like to keep the dog hunting out, and we would appreciate your reinstating the regulation which is in the books.

THE CHAIRMAN: Mr. Avant, who owns the other 20,000 acres? Do you know? Is it just numerous --

MR. AVANT: Numerous small landowners. Mr. Berry, I daresay that if we had the time -- you know, we all have to work for a living -- if we had the time to go to every landowner in that area, we would probably have 49,000 of those 50,000 acres, but we have gone to the major landowners, the people who own a couple thousand acres, 250 acres, 100 acres. But this is an area that is rapidly developing.

When I first brought my property 15 years ago in 1969, there wasn't anybody up there. It was the boondocks. Now you just have trailer after trailer and subdivision after subdivision, people



buying four and five acres of land and building nice homes on them, and the area is changing. The only real big acreages left is what is owned by the timber companies and some of the real large landowners. I have 225 acres. I don't consider myself a large landowner. Other people might. But it is an area of small plots, small wood lots, dairy farms, a few little subdivisions, a few beef cattle people, and not very big areas of woodland. You know, forest, like in the Atchafalaya Basin or up in the Houmachitta River Bottoms where I hunt or in North Louisiana like Blackhawk was, where I used to hunt with Mr. Gilbert. It is just not that type of area.

Unfortunately, if you are going to allow dog hunting in that type of an area that is all cut up by roads, you can't walk a mile in any direction without hitting a public road, you are just going to have these enforcement problems. I mean that is my opinion, because people are going to ride these roads, they are going to dump two or three dogs out of the back of a pickup truck, put them on my place, run through my little 45 or 50



acres of woods and run a deer out in the road and shoot him down, which is exactly what happened last January and is exactly why I got interested in this thing, because I got very, very mad. I will be honest with you. I mean that just irritated me because I knew that six-point buck was there. He had been eating my rye grass all winter. I might have shot him someday, you know, if I felt like it, legally, but these jaybirds came and that is what they did. They went across the road to about a little 75-100 acre woodlot where the deer was laying up. They put three dogs in there, ran him out into State Highway 409 in front of my house and shot him down with a 243 rifle.

THE CHAIRMAN: Isn't it against the law to shoot a rifle on a state highway?

MR. AVANT: Yes, sir, it is, but when I came to this body, I was told that that is a terrible enforcement problem, and I realize that, and that is the best solution to that problem, to do away with the dog hunting. Now I don't know that I understand that, but when I am told that by the employees of this body who I respect and who



have done a wonderful job in this state, I accept that, and that is why I am here.

THE CHAIRMAN: Let me ask you one question or make an observation. It might be wise for the landowners in those areas who lease the land to these hunting clubs to stipulate there will be still hunting only. The problem we have got, Mr. Avant, that we had when this thing was changed -- Mr. Riggs made that motion -- was that these guys --

MR. RIGGS: Mr. Wille made the motion.

THE CHAIRMAN: Mr. Wille made it. These guys had bought dogs, they had fed them all summer long, anticipating having that area which they have got leased to hunt on, and it creates a problem. I understand your problem and am in sympathy with your problem and I am sure the Commission is in sympathy with it.

MR. AVANT: I would say this, Mr. Berry. There is not a single one of those 42 landowners that own that 30,000 acres that has given anybody a hunting lease, not a single one. And I will close on this remark. We came to a duly advertised public hearing, called for by law, at which



you invited and were required to invite the public input as to the hunting regulations for 1979 and '80, and pursuant to law, those regulations were established, and then at a regular meeting of this body, as this meeting is today, they were changed, not at a public hearing.

So, I leave it with you. I have no quarrel with these people. They have not to my knowledge violated the law, but we have a problem and our interests are in conflict and I have just got to stick up for my interests and the interests of those people who own 60 percent of the land in this area.

THE CHAIRMAN: Thank you, sir. Is there anyone else who wishes to be heard at this time?
Mr. Babin.

MR. GARY BABIN: My name is Gary Babin. I represent four hunting clubs. That is the J & H Hunting Club, the East Feliciana Hunting Club, the Stony Point Hunting Club and the Friendly Hunting Club. They are all located in that area that Mr. Avant is speaking about.

The problem here is about the procedure



that Mr. Avant was talking about at the public meeting. The problem with a lot of people is that they don't do something about it until it hurts them, and we feel we have been hurt now. We should have made ourselves aware but we didn't. I can guarantee that we will from now on.

But I would like to say that we would like to see the hunting with or without dogs re-established in that area that we are talking about. At the last meeting we presented a petition with the names of 231 leaseholders and hunters of the area who want to see hunting with or without dogs re-established in the area. We also presented another petition. This one was signed by 115 property owners in the area. I have been assured since that meeting that the names on that petition are valid landowners within the area.

I believe we ought to say why we want to re-establish hunting with or without dogs on the land. I did some research on this and I found that more deer are killed by still hunting than hunting with dogs, so it was hard to justify why we wanted the dog season, but the first was, as Mr. Berry



has said, we have invested a lot of money in dogs, in building stand roads, in work on roads within our leased lands, but more important to us is the fact that a drive with dogs brings the hunters closer together than still hunting does. The togetherness that a hunt with dogs brings allows the older hunters to teach the younger hunters good hunting etiquette. That sense of togetherness is a good feeling and it serves a useful purpose, teaching young people how to behave as good sportsmen.

We are not speaking of a great many days where dogs would be used because usually we run dogs only on Saturdays and holidays during the season that allows dogs. On most other days it is impossible to get enough people together to make an effective drive. Altogether we are talking about 10 to 15 days during the season when dogs are allowed.

We want to cooperate with the landowners in the area who originally petitioned the Commission to establish still hunting only. I can promise the Commission and the landowners involved



that the clubs I represent will not abuse their lands and I would hope that other individuals who hunt the area and consider themselves sportsmen will do the same.

I really don't understand how taking away the dog season will stop the outlaws, because an outlaw is going to be an outlaw no matter what the law is. If that is the case, there should be large areas in Louisiana where hunting with dogs should be stopped if that would stop the outlaws.

Thank you all for hearing us and we hope we get your help.

THE CHAIRMAN: Thank you. Gentlemen of the Commission, I would like to address a point that has been brought to my attention by the Secretary of the Department. Apparently the motion that was made at the previous meeting and seconded and passed was an invalid motion because the time frame in the Administrative Procedures Act would not allow it at that juncture. Is that correct, Pie?

SECRETARY ANGELLE: Pie, would you just go up to the mike and just expound on this a little



bit more so we can get the clarification. We tried to get it this last meeting, but I think it was unclear.

MRS. PENDLEY: After the last meeting I talked with Mr. Edgar Colthrop, who is the editor of the Louisiana Register, which administers the Administrative Procedures Act. Due to the time frame, you must give 15 days notice of any action and we did advertise it for the November meeting. He advised me that upon publication the season would be in effect.

It could not be advertised for this meeting because there would not be a 15-day notice. You must give 15 days printed notice in the magazine, so he told me any action the Commission took would be under an Emergency Procedures Act. Action could be taken at this meeting and you must give a reason why the emergency action is taken. The rules have been printed and it must be taken under emergency action.

THE CHAIRMAN: If the last meeting it was done under the Emergency Procedures Act, I do not know how it would change from one month to the



other, that one month the Emergency Procedures Act won't work, is invalid, and this month it will. I don't quite understand that.

MRS. PENDLEY: Well, a reason must be given and when an emergency action is taken, within three days you must write a letter to the Governor, to the Attorney General and to the Register, stating the reasons, and it must be reasons such as it will be detrimental to health, and the reasons were not stated.

THE CHAIRMAN: Therefore we do have an invalid motion.

MRS. PENDLEY: Right.

THE CHAIRMAN: Action, I will say. Therefore, the Chair will rescind that invalid action. Thank you, Pie. Is there anybody on the Commission who is not clear where we stand? If you are not, ask somebody else; I am not sure I do, either. (Laughter)

SECRETARY ANGELLE: Mr. Chairman, as I appreciate it, we are in a posture now if the Commission wishes to change the regulations it would then today have to declare an emergency exists,



take the action, provide this information, and then once that has been done, you put yourself in a posture to adopt a resolution to make the change. You have to first establish the emergency and the reason and then take the action. If you don't do this today, then the regulation remains as printed in the pamphlet.

MR. LUTTRELL: Mr. Chairman, the Commission has a policy established several years back that once a regulation was decided upon by the Commission and published in the pamphlet, it goes out and is sent to all the people, that it would not be changed until the next year.

Now, what we did at the last meeting, and I stated then, really goes against our own policy, plus the illegality of that, so I think we should stick with our previous policy or that we should rescind that policy, one of the two.

MR. GILBERT: If we choose to leave the rules and regulations as printed, we would have to take no action whatsoever today.

THE CHAIRMAN: That is correct.

MR. GILBERT: Now, one point that I want



to make to Mr. Babin, and of course he touched on it, but for years we have had these public hearings and we advertise them well in every newspaper and radio. Our publicity department sends out notices to every paper in this state, police juries, everybody, and that was the time I feel for you to make your feelings known to the Commission.

Now I deer hunt and have hunted for many, many years. I haven't determined whether you are asking that just these four clubs be opened to dog hunting or whether you are requesting the entire 50,000 acres be opened to dog hunting. Which one, Mr. Babin?

MR. BABIN: I want to touch on that first point first. If it had something to do with fishing, I would have been aware, because I am a fisherman first and I keep up with everything in that. Hunting, that is my second choice, and it is a low second, but I was sort of elected to come here and represent the clubs.

I talked to Mr. Avant before the meeting and he had stated, you know, if the clubs, the four clubs involved, could be allowed just to run



their dogs that they have spent all this money preparing for, that that would be fine with him, you know. But at the last meeting here it was stated that that is almost an impossibility because of the boundary markers, so it is just a conflict. I wish we didn't have it but we do.

THE CHAIRMAN: Let me just say in passing, Mr. Babin, that when I first came on the Commission seven or eight years ago, the Commission always held its input meeting in one place, Alexandria, just one meeting. Since I have been Chairman of the Commission, I have made it a point to hold three or four meetings around the state each year to take input. This year I believe there was one in Bossier City, Alexandria and New Orleans, and in previous years we have moved to other areas, but we do attempt to get about the state where everybody has an opportunity to be heard to try to get the best input and the most we can get before we make these rules and regulations. It is a good bit of trouble and expense for the State for this Commission to meet three times instead of one just to take the input, and sometimes four.



But I felt, and some of the other Commission members felt, several years back that by going to Alexandria we didn't give the people perhaps from New Orleans or maybe Lake Charles or Shreveport or Monroe or Tallulah the proper opportunity to come and be heard, so we thought it best that the Commission go on the road for three or four days and move about the State where everybody could be heard that wanted to be heard.

We have tried to approach this as fairly as we know how. There will always be conflicts. I have often heard that Jesus Christ couldn't please everybody and I am sure we can't.

MR. BABIN: If there is any other way the Commission can resolve this so that we can use our dogs, we would appreciate it.

THE CHAIRMAN: Thank you very much, Mr. Babin.

MR. AVANT: May I say just one thing?

THE CHAIRMAN: Yes, sir, Mr. Avant.

MR. AVANT: I appreciate very much what you have done and I want to tell you that I am going to meet with Mr. Babin because I think Mr.



Babin is an honorable man and represents a group of true sportsmen. We are going to try to get with somebody in the Department and see if for next year this problem can be resolved to his satisfaction and to our satisfaction. Thank you very much.

THE CHAIRMAN: Thank you, Mr. Avant.
Does anyone else wish to be heard on this issue?
What is the Commission's pleasure?

MR. GILBERT: Mr. Chairman, if it takes a motion, I will move that we leave the regulations as they are pertaining to this area. I don't know that it even takes any action by the Commission, would it, Mr. Secretary?

THE CHAIRMAN: No, sir, lack of action leaves it like it is.

Does anyone else wish to make a motion?
Then it stays as is.

Number 15, discussion of steel shot on federal refuges. Joe, are you covering that?

MR. HERRING: I believe someone in the Commission was going to cover that, Mr. Chairman.

THE CHAIRMAN: Excuse me just a minute.
Maybe just to clarify the record, this Commission



ought to go on record of rescinding what we have been told is an invalid resolution at the last meeting. Senator Gilbert, if you would offer that motion, I would appreciate it.

MR. GILBERT: I move that the action taken at the last Commission meeting, September 26, be rescinded as far as pertaining to the 50,000 acres located in East and West Feliciana Parishes.

THE CHAIRMAN: Gentlemen, we have a motion. Do we have a second?

MR. LUTTRELL: Second.

THE CHAIRMAN: We have a motion and a second.

MR. GILBERT: Include East Baton Rouge but it is all in Area IV.

THE CHAIRMAN: Gentlemen, we have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

Unanimous. So ordered.

Mr. Herring.

MR. LUTTRELL: Mr. Riggs is going to give



this resolution.

THE CHAIRMAN: Mr. Riggs, the discussion of the use of steel shot on federal refuges.

Let me just say this to clear the air a little bit before he makes this resolution. There has been a lot of controversy on steel shot in the State of Louisiana. The Congress of the United States, mainly the Senate, in their infinite wisdom decided to return to the states some of the rights they had usurped through the years and gave this Commission, which represents you in this State and hopefully represents the majority, if you will, the prerogative to either use steel shot and enforce it in this state or not enforce the steel shot regulations.

After the input we have had in numerous hearings, this Commission, I think wisely so, decided we would not enforce the federal steel shot in the State of Louisiana. We had listened to several good reports from some universities, I think one was the University of Michigan, if I am not mistaken, maybe Wisconsin, that they had penned ducks up, kept them off the ground, fed



them lead shot, and the ducks had died with lead poisoning, but the ducks that they had on the ground where they could get to the gravel and sand and natural feed, they fed those ducks lead shot and the mortality rate wasn't any higher than those that had had no lead shot.

That is one of the things that came to my mind and one of the reasons I was for the banning of the steel shot, plus the fact I also happen to be a patriot and I feel like if we let the feds put steel shot in our shotguns this year, they most likely will put popcorn in your pistols next year. I don't care to have Big Brother disarm me and my countrymen. They have tried every way in the world to ban the guns and take the guns away from us, and if they can't take our guns, now they are going to take our shells away from us.

Excuse my expression, ladies, I say to hell with them. I intend to keep mine.

We passed a resolution saying there would be no steel shot used in the State of Louisiana. Then the U. S. Fish & Wildlife Service came back and said, "Well, if you don't let us use



steel shot on our federal refuges, we will just pout and close the whole thing, won't let anybody hunt on them," and that's what they did. I was in favor of telling them to go to hell and keep it closed, because I am tired of paying bureaucrats in Washington with my hard-earned money to look down their noses at us in this state, who are in a much better position to run our business and run our state I think than they are, and I am tired of paying somebody else to kick my butt in my own backyard. That is exactly what the federal government has done to all of us for years and years.

Until we stand up and be recognized and be forceful, they will keep doing it. As I have said from this podium before on several occasions, I am one American who is tired of working and being forced to share what I have left over with that group who don't work and who don't produce, our Big Brother in Washington. We have got too much government in Washington. We have got too many federal controls on us in this state and this nation and I for one, if I can live long enough, I hope I can help undo some of that and get the



states back in the right position where they were before they started forming this Big Brother in Washington which has usurped and misinterpreted 90 percent of the laws that Congress has passed, to get more power to put more pressure on us to work and produce.

I had a long conversation yesterday with our Governor, with some of our politicians on the Hill, and it was resolved between this Commission for the best interests of the hunters who hunt in this area the feds had closed, some 8,000 hunters, I am told, or more, who wouldn't have time to find another place to hunt. We came to an agreement and a compromise that we would let them enforce the use of 12-gauge steel shot on the refuges. However, anyone who wishes to hunt there with a .410, a 16-gauge, a 20-gauge, a 28-gauge, would be permitted to use lead shot. There is no steel shot available for those gauges and if they don't let the kids hunt with the smaller guns and the few ladies who like to hunt, I think that would be discriminatory and I think that would be a bad move. This Commission for one year only has agreed



to let them enforce this steel shot in 12-gauge shotguns only on those four refuges.

MR. LUTTRELL: Mr. Chairman, I would like to ask a question. I would like to suggest that we request our Secretary, Mrs. Pendley, to determine if this action today would be legal or would it be illegal as the action on the deer hunting was, because of the time limits, emergency and so forth. I am in favor of changing this thing but we could very easily change something that is illegal.

THE CHAIRMAN: The Chairman wants to say this, that we think it is an emergency for this reason, that the duck season opens I believe on November 3, there is no time left for any other procedures or monkey-motions, and we either do it now or forget about it, and we will deprive over 8,000 people in this state of the right to hunt in certain areas if we don't do this, and I hereby declare it an emergency procedure.

MR. LUTTRELL: I don't doubt that at all. I would just like to have it certified from the proper authorities through our Department.



SECRETARY ANGELLE: That an emergency exists and we are taking these actions today because of the emergency, and the emergency is the opening of the waterfowl season November 3.

MR. LUTTRELL: Correct, and then you see, with that on record, Mr. Angelle, we are clear.

THE CHAIRMAN: Mr. Secretary, you are so instructed by the Commission to get whatever correspondence is necessary to the Governor and the Attorney General and whatever to fulfill the requirements of the law.

SECRETARY ANGELLE: Yes.

THE CHAIRMAN: Mr. Riggs, would you read the resolution?

MR. RIGGS: Mr. Chairman, I would like to make a brief comment prior to reading the resolution. We did hold extensive hearings in Lafayette just prior to last hunting season last year and we had between 700 and 1,000 people there and the preponderance of testimony was against steel shot, and so this Commission voted against the steel shot regulation more or less as being representative of the wishes of the people of this state.



I have always felt that the steel shot law is discriminatory as it is now written because it only applies to 12-gauge guns. Until such time as they have an efficient ammunition for all gauges and make the law applicable to all the states in the Union, then I feel like it is discriminatory, and that is basically why this Commission opposed the steel shot law. But in view of the fact that they did at the last minute close the seasons in the refuges, we feel like a lot of people would not have an opportunity to make provisions to hunt other places, and in view of that I would like to offer this resolution.

Should I read it, Mr. Chairman?

THE CHAIRMAN: Yes, if you please, sir.

MR. RIGGS: (Reading)

"WHEREAS, at the September meeting of the Louisiana Wildlife and Fisheries Commission a resolution was passed prohibiting the use of steel shot for waterfowl hunting purposes on four Federal Refuges, and

"WHEREAS, the Commission felt



this was in the best interest of waterfowl hunting and the sportsmen since steel shot was prohibited in the remainder of the state, and

"WHEREAS, with this action the U. S. Fish and Wildlife Service deliberately closed the four Federal Refuges for all waterfowl hunting, which the Commission believes is not in the best interest of our sportsmen, and

"WHEREAS, with such deliberate action the Louisiana Wildlife and Fisheries Commission rescinds the September resolution pertaining to the use of steel shot only on the four Federal Refuges, and

"WHEREAS, the Commission desires to assist the sportsmen of our state and work in their best interest and for the best interest of the waterfowl resources of our state, and



"WHEREAS, the Commission does not want anyone to be denied the privilege of waterfowl hunting, the Commission recommends to the U. S. Fish and Wildlife Service that 12 gauge shotguns must be required to use steel shot for waterfowl hunting only on Federal Refuges and that all other gauges, 16, 20, 28 and .410 be permitted to be used on the four Federal Refuges with lead shot for the purpose of waterfowl and other hunting, and

"WHEREAS, the four Federal Refuges, Sabine, Lacassine, D'Arbonne and Upper Ouachita, will be the only areas in the state to use 12 gauge steel shot and nothing in this resolution is to be misconstrued for steel shot to be required in other parts of Louisiana, and

"WHEREAS, this agreement is for a one-year period only to cover the 1979-80 waterfowl season in Louisiana,



"NOW THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission on this the 30th day of October, 1979, agrees that the U. S. Fish and Wildlife Service be permitted to use lead shot in 16, 20, 28 and .410 gauge shotguns and that steel shot shells will be required in 12 gauge shotguns only, and

"NOW THEREFORE BE IT FURTHER RESOLVED that this action was taken due to the deliberate previous closing of Federal Refuges by the U. S. Fish and Wildlife Service since the September resolution of the Commission pertaining to steel shot."

Mr. Chairman, I would offer this motion for passage by this Commission.

MR. LUTTRELL: I second the motion.

THE CHAIRMAN: I have a motion second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposition?



(No response)

So ordered. The Chairman votes yes because Mr. Gilbert is gone from his seat and that gives us a quorum.

The next thing is discussion of oyster lease fees and survey fees. Who wishes to be heard first? The Commission is going to discuss this. There will no action on it today. The Commission has been approached by a number of sources from within the Department and without the Department to raise the fees on the land, the \$1-an-acre lease, and also the survey fees. It is kind of hard for us to justify the existence of the Oyster Department when they continue to lose money. When we go before the Budget Committee, they want to know why we can't generate some revenue, why certain things haven't been changed in 75 years. We have not raised the oyster bottoms lease since 1904. At that time it was a dollar an acre and 75 years later we are still a dollar an acre. This Commission is allowed by law to go to \$5 an acre or anywhere between. They can go \$1, \$1.50, \$3, up to \$5. They cannot come down below \$1.



The Commission will take some input now and discussion on this matter.

SECRETARY ANGELLE: For purposes of consideration and for action when?

THE CHAIRMAN: At the next meeting. Action will be taken at the next meeting on this. We would like to get any input you have today, so we can start pondering it and thinking about it.

Yes, sir, I believe you wanted to be heard.

MR. MATT FARAC: Yes, sir. Good morning, Commissioners. I am Matt Farac with the Plaquemines Parish Oyster Association.

We had a meeting already. Mr. Schafer had stated that they lose three dollars on every application that they was taking, so what we did, we went up three times and four times as much to compensate for that, which was shot points was \$20, now it is \$80. Application was \$20 an acre, now it is \$80 an acre. Fifteen years limitation, \$60. So we agreed with them. So now I understand you all want to go up on the acreage fee. That was a compromise for the acreage fee.



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THE CHAIRMAN: I have no recollection of this Commission ever making a compromise. Mr. Schafer might have made one. Is he here? Do you want to comment on that, Harry?

MR. SCHAFFER: Doyle, I think what they are talking about is when we had the meetings to hear these things and we had all the oyster fishermen and all the politicians here, at that time it was decided by the Commission, it was my understanding, that they would go ahead at that time to raise the survey fees and not fool with the rental fees. That was what I got out of it and I am pretty sure that is what he is talking about.

THE CHAIRMAN: That was about three years ago, Harry?

MR. SCHAFFER: Yes, that was in '77.

THE CHAIRMAN: Go ahead.

MR. FARAC: No, we was called in by Chalin Perez at Point a la Hache, Buddy Pausina and I, and he said we have to do something because we can't stay neutral. We have to give them some money one way or the other, and that is what we agreed, a compromise with the application, shot



points and everything for the acreage, and here today we hear you all want to go up on the acreage fees.

THE CHAIRMAN: Mr. Matt, I will say this, that our costs each year keep going up, up, up. The interest rate, as you well know, has gone up tremendously in the last few months and everything else has gone up to operate this Department and do a good job for you. We have been lax in doing a good job for you, particularly in the survey area. We have tried to hire a surveyor. Mr. Angelle has. I think he has one hired now. He is also working with two consultants who will work pretty much on a fulltime basis for a while, which will I hope give us three survey teams so we will get this backlog that we have been laboring under now for a long time off our hands and get us current again. That is one of the justifications of raising these lease prices.

MR. FARAC: Well, I don't see why they should raise it when we compensate with them already. It has gone on five years. This is going to be the first year that we get a few seed oysters.



What you think we have been doing all these years? Making big money? We got a forgiveness from the FHA Farm Bureau which we asked for loans which they approved that disaster area as consolation, so here we got to borrow money to keep going and here you all are talking about raising up the taxes.

I admit that for 75 years the taxes did not go up on the acreage but the application and all that went up four times as much.

THE CHAIRMAN: How many acres do you have, Mr. Matt?

MR. FARAC: Sir?

THE CHAIRMAN: How many acres do you have?

MR. FARAC: We got about 3,000 acres.

THE CHAIRMAN: What does it cost you in fees? What is the total cost to you?

MR. FARAC: On 3,000 acres?

THE CHAIRMAN: Yes, sir.

MR. FARAC: How much per acre?

THE CHAIRMAN: You are talking about a dollar an acre for lease.

MR. FARAC: That is \$3,000 now. If you said it goes up --



THE CHAIRMAN: I am talking about on your survey fees and your shot points you are talking about. How much additional money has it cost you out of your pocket in the last three years?

MR. FARAC: It didn't cost me anything. They haven't surveyed. They have been tied up. They are keeping us tied up all the while, with our hands tied. We can't move. We have got applications for a few years back. They didn't survey them. No surveyor. We are still waiting.

The way we are now, if that man has got an application before mine and he is the one that surveys with a private surveyor, I can't get mine surveyed. I have just got to sit down and wait. That is the predicament we are in.

THE CHAIRMAN: Well, the Secretary has taken some concrete action. He hired a man several months ago who came down and worked one month, left and I understand now he is coming back, and I know the Commission and the Secretary met yesterday with consultant out of Houma that I think will be coming on board, hopefully in the near future, to help remedy this problem.



This Commission apologizes to you and the other oyster fishermen for the problem we have had in that area. It is something beyond our control. When the State Civil Service lets you pay a man \$16,000-\$18,000 a year and industry is paying him \$50,000 a year, it is kind of hard to hire one. Isn't that the quandary you have been in, Mr. Angelle?

MR. FARAC: All right, but I would like to ask Louisiana Wildlife and Fisheries, how much do they collect on this four times as much? There is not anything that goes up from \$20 to \$80, three times as much. Food or labor or anything, not even the oil companies, neither the gasoline. It only went up twice the price. Gasoline, what was it selling, about 40 cents a gallon? Now it is a dollar.

THE CHAIRMAN: About two and a half times.

MR. FARAC: Well, Mr. Chairman, I would like to ask you, what have you all got in mind to do with the fishermen? Destroy them or what?

THE CHAIRMAN: We are trying to take input now. We certainly don't want to destroy



anybody, Matt, and I think you are aware of that. We want to keep the oyster industry in this state a good viable healthy industry.

MR. FARAC: Well, the way it is going nowadays, they ain't going to be able to survive. Not at no \$5 an acre, I am sure of it, because I am the first one that is going to let a pile of it go, whether it is good or bad, because I won't be able to pay \$20,000, \$15,000 a year for 3,000 acres. No way.

THE CHAIRMAN: In the first place, by law you are only supposed to have 1,000 acres.

MR. FARAC: Well, I didn't say I didn't have a thousand. I said we have got 3,000.

THE CHAIRMAN: You say you have got 3,000, I know, and you can't pay \$15,000 or whatever it might be --

MR. FARAC: That is my whole family. I am one company. My son is another company and then his wife is another company.

THE CHAIRMAN: Well, this Commission is here today to hear what the problems are and to listen before we make a decision. That is why we



are asking for input today and put it on the agenda today.

MR. FARAC: Well, can I ask you what you have in mind?

MR. FARRELLY: What would you suggest? What would be something that you could live with if we would increase the acreage? Say \$5 is excessive; what do you think is something that would help you survive and also help us get on a paying basis?

MR. FARAC: Well, let me answer my question first and then I will answer you. We had suggested already what we wanted to do, four times as much. Now I can't speak for all the fishermen unless I have a meeting with them, just the way you all have there, but I don't think any of them would object to a dollar more per acre.

THE CHAIRMAN: Mr. Matt, that fee you are talking about on survey and all, that is a one-shot thing. That does not produce annual revenue to operate the Oyster Department with.

MR. FARAC: But there is where they were losing their money that we was understood, in sur-



veyor fees, and that is why we went up four times as much to compensate for it. When a man tells you he loses \$3 on every application, three to one, so we went up four times as much. Don't that compensate for his loss?

THE CHAIRMAN: That is a one-time shot. You get that done once in 15 years. You have got a 15-year lease. If you spread it over 15 years, it is very little per acre. The duck hunters in this state pay \$6 to \$8 an acre for a duck lease to hunt on for a few months and they can't see why this Commission is letting people rent state lands which they have part ownership in as citizens for \$1 an acre.

This thing is not something that we all of a sudden came up with and decided to go into. We have got a lot of pressure in this area.

MR. FARAC: Mr. Berry, it is all right for the one shot, but they got that money. Mr. Angelle, how much would it cost for 1,000 acres to survey it, or Mr. Schafer could answer that question.

THE CHAIRMAN: What does it cost to



survey 1,000 acres, Harry?

MR. SCHAFER: I don't have that schedule with me. I will get it.

THE CHAIRMAN: I would be interested to know that. Again, you have got to divide that by 15 to get a yearly cost on it. If it costs \$1,000 to do it, or say \$1,500 to do it, you are talking about \$100 a year.

MR. FARAC: The surveyor applications?

THE CHAIRMAN: Over a 15-year period, yes, sir, because it is good I assume for 15 years of the lease.

MR. FARAC: All right, but why did they accept four times as much an application in shot points? Why didn't they say no, we want on acreage?

THE CHAIRMAN: What we should have done, I assume, is to have gone back when this was done and taken a closer look at it. The Commission previously should have raised this thing all along to have kept in time with inflation and the price of things today. The truth of the matter is I think we have had real cheap rates for a long,



long time. You have been able to dance for a little bit of nothing for a lot of years and now it has come down to --

MR. FARAC: I don't think so.

THE CHAIRMAN: Those rates were dirt cheap.

MR. FARAC: I know, but those acres we lease from the state for \$1 an acre, we improve every acre we have. We don't destroy them.

THE CHAIRMAN: If you improve one thing for your own profit, it does not help the state. It does not help the department.

MR. FARAC: Well, we are trying to agree with the state. When they wanted to come up with the price, we agreed with them and that is what we are paying them.

Now, another thing, if you think by putting this at \$5 an acre on us fishermen that all that ground is going to be vacant, no, it is not, because they have got thousands of others just waiting for it, and it is going to be all taken the way it is there now. If you all have got any speculation thinking that these fishermen



that has got ground has got the oil companies blocked and everything else, you all are wrong, because you all can check back, how old is those leases and how long I have them. There is not no speculation there. But a newcomer, probably if he has got 1,000 acres, could be speculation.

THE CHAIRMAN: Well, certainly the leases are cheaper at a dollar an acre than they would be at \$3 or \$5 an acre.

Yes, sir, did you wish to be heard?
Would you come to the microphone?

MR. FARAC: That will be all I have to say.

THE CHAIRMAN: Thank you, Mr. Matt.

MR. FARAC: All right, thank you.

MR. BOYD ZIBILICH: My name is Boyd Zibilich. Within that thousand acres that he was talking about, there may be 150 leases in there. I represent Boyd Zibilich & Sons. Within that lease, we have like maybe 30 or 40 different leases. I am the third generation. Now if you are going to jack it up to \$5 an acre, I am going to have a problem myself. Of course, I won't give any of it



away because somebody else is waiting to take what I have, and I mean three generations back, I didn't develop that overnight.

MR. FARAC: Sounds like a communist deal, take it away and give it to somebody else.

THE CHAIRMAN: We are not here to take anything away from anybody and we certainly aren't here to do anything we think is unjust and unfair. We represent you and other people in this state, but you have had a cheap, cheap oyster lease for 75 years, it hasn't changed, and the Department is losing money operating and can't break even. You can see what happens. You say, well, it shouldn't affect it, but it does. Now we have to get federal funds to go out and get them to plant oyster seed.

MR. ZIBILICH: Yes, but if you do raise it, will that stay for the Oyster Division or will it go for somebody else? Will it go in a pot?

THE CHAIRMAN: It will go in the conservation fund.

MR. ZIBILICH: It will go in the conservation fund, for the hunters, for the trappers, or



for who? Is that for everybody else? Could you answer me that? Tax me to pay for somebody else. What we will get for that?

MR. LUTTRELL: Mr. Chairman, let me answer the gentleman's question. The money out of the conservation fund goes to the oyster people also and it comes from hunting fees and all kinds of fees and this same thing is going back into the conservation fund. You benefit from the conservation fund the same as the hunter does, the same as the fisherman, the same as the trapper. The conservation fund is used for the purpose of improving Wildlife and Fisheries in this whole state. You can't set it aside and say this is our little pot and this is somebody else's little pot and so forth. It just doesn't work that way.

MR. ZIBILICH: Why do you jeopardize the oyster people?

MR. RIGGS: As I understand it, the conservation fund has been subsidizing the oyster industry because we have been operating at a loss in that department. That is my understanding.

MR. ZIBILICH: Thank you.



MR. KENNY FOX: Gentlemen, my name is Kenny Fox. You talk about everything going up. That's true. Just like it is going up for you, it is going up for us in the oyster industry. There is only one thing wrong. Our industry is in jeopardy, not your department. Right now we are all on the verge of going out of business.

THE CHAIRMAN: This is not "our" department. This is your department as much as anybody else's. It is for the people of the State of Louisiana.

MR. FOX: You are right, but you make the laws, we don't make the laws. We try to help but we don't make the laws. And you are talking about extra revenues. Go back and have them check 10 or 15 years ago. You are talking about 75 years it didn't go up. Go check the acreage you had obtained through the state 15 years ago. Today it may be 40 times as much acreage. You are collecting a lot more dollars every year, and if you had the survey department out there, you would be getting more and more acreage and more and more dollars would be generating in this department



every year. It is not the fishermen's fault because it is not coming up. Let me tell you, this industry is in jeopardy right now. The disasters that we went through in the last five years have set up back and again this year a disaster that set all the fishermen back severely.

Right now what we are selling is what we were planting before, because we don't have nothing for the market. We have nothing to keep up our resources and keep up our income. We are actually selling seed oysters today. We have nothing else. It is putting food on the table. It is feeding our employees and here you are talking about raising our fees. This is a terrible time to be picking on oyster fishermen. Try the shrimpers, try something else, but oyster fishermen cannot stand it right now. We are down, we are going to the FHA, we are trying to get loans to pay off our boats, pay off our leases, and here we are faced every day with a new problem. Here we are faced now with our leases are going to go up. Right now every fisherman is carrying an overload of acreage. Why? Because the state



grounds have not had anything on it in several years so we have to be self-sufficient. We have to obtain more acreage. We have to look for acreage to get our seed off of, our factory oysters off of, our sack oysters. That is why we are carrying more acreage today. Not to jeopardize the oil companies from coming in there or drilling for oil, exploring for oil. To have our resources for tomorrow, to have assurances for tomorrow that we are going to be in business. We can't look toward the state to know what is going to happen.

THE CHAIRMAN: What I have had to do in my business in several areas is raise my price to my customers, and I suggest that what you might do is raise your price of oysters to keep you in business. Maybe you are selling your oysters too cheap.

MR. FOX: Listen, the price of oysters, we are getting as much as we can get out of them. There is so much you can put in a sack and so much you can get out of a sack. What we are selling today is not what we are getting for it because it is not quality, but it is all we have got to survive



on. That's it. I mean we either do that or either we are going to go out on welfare somewhere because we don't have the type of oyster we need for the industry today. We are not proud of it but it is all we have got for livelihood.

Do you all have any questions?

MR. FARRELLY: Do you have any suggestions how we can prevent this happening again in another four or five years? Has this happened because of poor management or conservation methods or what?

MR. FOX: Let me ask you all a question. Have any of you been commercial oyster fishermen or commercial shrimpers in your life? Any of you men on the board? You all haven't? Have you all seen what an oyster fisherman has got to go through, the nature he has got to fight? He has got to withstand the weather out there every day. You ought to look at some of the problems we have got, too. We have got a lot of problems, too. I know you have got problems up here to keep the budget going, but I also seen years where the Wildlife Department turned money back into the state because



because it was misappropriated, they didn't get to use it.

It is a sad situation out there in the marshes today, believe me, and we wish you all would take all this into consideration. Now is not the time. Maybe in the future we could withstand it. Maybe if we get back on our feet, the seed oysters catch and we can get production back up, get our quality back on the market, assure our people of a good product, we could stand a raise, but now is not the time. I mean you have got us with our backs against the wall right now and this is surely not going to help us by raising our oyster leases at this particular time. In the future maybe, gentlemen, we could agree with you, we could stand a little raise, but right now is not it.

THE CHAIRMAN: When we talked about raising the acreage three years ago, we heard the same story, this is not the time, we can't afford it now. I wonder if the time will ever come when you are willing to pay a halfway decent acreage fee for the state bottoms.



MR. FOX: Yes, we sure will, when you can take my tax forms and you can see an up-climb and I am starting to make money off of it, it will be, but if you go back and you check anybody's record today -- just like the FHA told us yesterday, we want to see your records for five years, we want to see if you have got a decline in your business, if your business has been going down, if it is in jeopardy.

We have that. We have been going downhill.

THE CHAIRMAN: Is that half the oyster fishermen, all the oyster fishermen, that have that problem, or is it just certain areas?

MR. FOX: Well, if you take the oyster fishermen, it is mostly right here on the southeast tip of Louisiana. Over to the west, how much oyster fishing do you talk about? There is very little when you get around Calcasieu, going west. All your oyster fishermen is from St. Bernard, Plaquemines, Terrebonne, Lafourche and that is it. When you get out of that area, you are getting out of oyster fishing. Our shrimpers, they go statewide.



You have got people clean across the state, but when you talk about the heart of your oyster industry, you are talking about right here, the outskirts of New Orleans.

THE CHAIRMAN: Ninety percent is the Atchafalaya River east.

MR. FOX: Right, so everybody is in the same boat over here. We get a high river like this this year and it kills off all our oysters and we are in bad shape for a while. It takes us maybe two or three years before we can be back in No. 1 shape, providing nature agrees with us. You know, we have got a beautiful spat set out there this year. You are talking about two years before we put them on the market for you to eat, if God provides that we don't get something else to kill them. We don't know. We are fighting with nature. We are working against nature is what we are doing. We hope you all take that into consideration and for the time being let's table it until, you know, maybe a year from now, six months from now, when we can see where we are going, but right now is not the time to pick on the oyster people.



THE CHAIRMAN: Let me say this, there is no intention of this Commission to pick on anybody. I think maybe that is a bad choice of words. We are only trying to make sure that this Department stays afloat and does a good job. We are charged by the Constitution of the State of Louisiana to administer certain things in this Department and if we don't do it, we are criticized on the other hand. There is nobody on this Commission who wishes to pick on you or anybody or do anything to hurt the oyster fishermen or hurt anybody else, as far as that goes. We are only trying to do the job we are charged by the law to do. We don't make the laws, we live within certain frameworks of the laws. We didn't make the law allowing the acreage charge from \$1 up to \$5 an acre. That framework was set by the state legislature and we only work within that framework.

MR. FOX: I agree with you 100 percent but let's look to the other resources to see if we can pick up some income if you need income. Surely there has got to be some other way we can go to the state legislature or somewhere if we



need other income at this time, because right now is bad timing to go raising our acreage.

THE CHAIRMAN: Thank you very much.

MR. FOX: I thank you.

THE CHAIRMAN: Yes, sir, Captain Pete.

MR. PETER VUJNOVICH: Gentlemen, I am Peter Vujnovich, oyster farmer. Gentlemen, I have been in the oyster business since I was 13 years old. The acreage has never gone up. I guess this talk about \$5 an acre, I have got plenty to do with it. Gentlemen, I have suggested and I am going to try to pass this, by myself or with the help of this Commission. I have already got quite a few fishermen. I will not mention names but there are plenty of them backing me up.

This is what I ask. All acreage under lease to be assessed \$5 per acre with the option that the leaseholder have the right to renewal of his or her lease. If it is taken away from them that they be paid for the improvements they made.

The reason, gentlemen, I am asking this, I bought some areas in Hackberry Bay years ago for \$100 an acre. I worked hard. I planted shells



there. I made a good living off those leases. Even the last three years I built two beautiful aluminum boats. My children -- I have three boys and three girls -- my boys are all crackerjack fishermen. I trained them since they were seven years old. Gentlemen, I say this, I lost seven leases in this area and it has put me out of business. Of these seven leases, approximately 60,000 barrels of oysters were fished by the people in the oyster industry, and that is my hard work. I have not been given a penny. I have been given no help at all. I have been fighting this battle by myself.

Gentlemen, I am hurt. I am out of business. And if you all are going to raise the acreage this way, I am 100 percent for it and I can fill this room up with people who are willing to back me up. But if it is just that you all are going to raise \$2 or \$3 an acre and leave the same conditions, those leases be written under the same conditions, that we, the oyster farmers, have no kind of protection, that if the oil company or anybody makes a motion they want our leases, at the end of 15 years they are taken away from us, I am



strictly against it.

I would like to go on record with this, that any man who has 1,000 acres and can show production of 20 to 40 sacks an acre, that this state should give him \$10 an acre for working these leases. Thank you.

THE CHAIRMAN: Let me ask you something. I want to clear up something with you. What acreage was taken away from you? Was it given to somebody else, you say?

MR. VUJNOVICH: The state took it as a seed ground area. And, gentlemen, I can say this --

THE CHAIRMAN: Is that a state lease for somebody else to operate on?

MR. VUJNOVICH: No, they gave it to the Louisiana oyster industry and the Texas Oil Company.

THE CHAIRMAN: When was that done, Pete?

MR. VUJNOVICH: This was done about two and a half years ago. I just got a Court of Appeals decision that all leases written under the laws that we have today are valid from the day the lease is made until the lease expires. After it expires, that if the Department of Wildlife and



Fisheries or whoever is in charge, wants you, gives you the privilege of renewal, you are granted the privilege. If they do not want to give it to you, there is nothing in the world you can do about it.

THE CHAIRMAN: Did your lease expire, the 15-year lease expiration? Is that what happened?

MR. VUJNOVICH: That's right.

THE CHAIRMAN: And they would not renew your lease?

MR. VUJNOVICH: That is correct.

THE CHAIRMAN: That was not done by Commission action. We had no knowledge of it.

MR. VUJNOVICH: No, that was done by a letter written by Dr. St. Amant. And while I am here on the subject, I appeared before Mr. Angelle, if he can remember, and I asked him to give me an extension to fish these oysters out, and it was discussed and probably I would have got my extension, but Dr. St. Amant made this statement, and Mr. Angelle was there, "Captain Pete only wants these oyster leases to heckle the Texas Oil Company." Gentlemen, with \$60,000 of oysters on there



that I lost in three years' time, I wasn't even thinking about the Texas Oil Company or heckling the Texas Oil Company, because me and the oil companies in this 43 years that I have been in the oyster business have always seen eye to eye. I didn't get rich off the oil companies. I could have. Many, many years ago, if I had wanted to, I could have controlled the Louisiana oyster industry. I will not go into details what I was offered but I didn't. I am an honest man, and it is a shame to see this industry go this way.

Here is NEW ORLEANS that just came out. They have a story about the Louisiana oyster industry. For you all that didn't see it, it is very interesting reading. "Louisiana oyster fishermen, planting, harvesting and battling to stay above water." Now this is what two fishermen has stated here. I will just read -- it is a story about the oyster industry. It is very good.

THE CHAIRMAN: Pete, let me interrupt you again. I am a little bit concerned about the statement you made a while ago and I want to get to the bottom of this. You say that Dr. St. Amant



told you in the presence of Dr. Angelle that if he renewed your lease or gave you an extension of time, it would only be for you to heckle the Texas Oil Company and then he refused.

MR. VUJNOVICH: That's right, and then I got mad, because I am not, say, a man that is fierce or anything, but when I get mad, gentlemen, I turn white and blue and when I get mad, I just said a few more words and I walked out, because I knew what was going to happen.

SECRETARY ANGELLE: I think I am getting ready to get you white and blue in a minute here because you are going to get mad. You know, Dr. St. Amant is not here, and you are making a charge against Dr. St. Amant, you are making a charge against this man that he made a deal with Texas Company.

MR. VUJNOVICH: No, no.

SECRETARY ANGELLE: That is what you just said.

MR. VUJNOVICH: No, no, no, you see --

SECRETARY ANGELLE: I was not present when this happened, whatever you are saying that I



was here, I don't recall that at all, so you can get black, you can get blue, you can get mad, I care less, but I deny you to come here and make a charge against Dr. St. Amant when he is not here to defend himself.

MR. VUJNOVICH: I am not making no charges. I am just saying the way we are talking.

THE CHAIRMAN: Pete, it sounds like to me that you are saying that Dr. St. Amant in preference to the Texas Company, took your leases to keep you from bothering them, and I certainly want to ask Dr. St. Amant about this at the next meeting and I would appreciate if you were back here. I would like to clarify this. I have never known Dr. St. Amant to be involved in this posture and I do not believe he is today.

MR. VUJNOVICH: Look, Dr. St. Amant to me is a fine man but I think that I should have been granted at least a little extension.

SECRETARY ANGELLE: You lost your lease, you have been to the courts, you have been to the Court of Appeals, you lost it because what the Department did at that time, they did it right.



It is still in your craw and you are still griping about it and you are wrong, Mr. Peter Vujnovich.

MR. VUJNOVICH: Thank you, Mr. Angelle, I withdraw everything. I will just go back and do in my business what I can do. Thank you very much.

THE CHAIRMAN: Does anyone else wish to be heard? Will you state your name, please, sir?

MR. M. J. FARAC: My name is M. J. Farac. The only thing I would like to ask you is, I am not too familiar with what is going on here and everything. I don't get up and talk too much or anything. How much does it take to run the Oyster Division in the Wildlife and Fisheries, about?

THE CHAIRMAN: I will have to ask Mr. Schafer. I don't have those figures.

MR. SCHAFER: The whole division has an annual budget running about \$2.3 million.

THE CHAIRMAN: About \$2.3 million, he says.

MR. FARAC: O. K., and how much grounds is under lease right now, what are you getting from the grounds that is leased?



MR. SCHAFFER: 237,000 acres and we get \$237,000.

MR. FARAC: All right. What about the shells and the revenues from all the rest of it like that? That is all I can find out, you know what I mean.

THE CHAIRMAN: Mr. Schaffer, would you come to the podium and answer his question, please, sir?

MR. FARAC: I know in Baton Rouge we was at a meeting up there one time and some kind of way, I don't know how it happened, but the Wildlife and Fisheries wound up with more money to run the office and it never was there.

THE CHAIRMAN: Let me tell you this. The conservation fund gets the royalties from the oil companies paid into it, off Rockefeller and other preserves, and they did in fact, the state did take some money out of the conservation fund. I believe it was in John McKeithen's time. Some \$50-\$60 million has been taken out of the conservation fund and I assume into the welfare programs of this state.



MR. FARAC: I am not doubting that. The only thing I am saying is they got enough right now with shells, the revenues that they are getting all over, and the leases, that why do you all want to go up on the acres even if it is \$1 an acre. Right now you all can go down there to where we are at, every oyster boat has got a trawl on it. There is none of us even working oysters.

So you turn around, going up here, going up there, but last time we were in Baton Rouge, everything was brought that out of the oyster people they were putting in more than enough to run the oyster division, but our money is being distributed to every doggone thing they have got. That is all I have got to say, I don't understand why they keep going up on us all the time. Go up on the rest of the people, too, instead of pick on just us. That is all I have got to say.

(Mr. Riggs here assumed the Chair
in the temporary absence of Chairman
Berry.)

MR. RIGGS: When I came on the Commission I was told that the oyster industry, in other words,



the income that we received from leases and what-not, was subsidized by \$375,000. In other words, it lost that much money. Would you comment on that?

MR. SCHAFFER: That was about the figure that we had figured for the 1970 annual year. We figured on the projects we had going, the facilities that we have the upkeep, the salaries, the gas, the operations and everything. Back at that time for every \$3 we spent, it was costing us \$4.

On the survey, it was a little bit different. The survey fees, it was costing us about four times as much as we were taking in on survey fees. Now we are in fairly good shape in surveys except if we do go to the consultant, on a contract basis, the surveyor, I think we are going to have to come back and ask for, in order to even get it through the Division of Administration and the legislature, we are going to have to ask for some kind of little surcharge on the surveys. These people want about \$35 for each one of the surveys they do so that we are going to have to add that onto the contracted price, in order to get it



through the Division of Administration and through the legislature.

MR. RIGGS: I think what the gentleman was talking about a while ago was royalties -- Burt, you might comment about that -- royalties obtained off Rockefeller Refuge and state-owned lands that go into the conservation fund.

SECRETARY ANGELLE: Mr. Acting Chairman, if you people have enough time, I will be more than happy to go through the whole budget process, the revenue-generating authorities, and what-have-you. That may take us another hour, hour and a half. I know that is not your interest because it becomes very, very complicated.

Under the law, under the law all revenues generated by Wildlife and Fisheries first go to the general fund, every dollar. That is under the new Constitution of 1974. Within the Treasurer's office is a special fund that the legislature has created, a conservation fund that is an accounting practice, that revenues that we generate -- game license, commercial license, oyster fees, mineral royalties on our refuges, all revenues, federal



funds and what have you are then placed in Wildlife and Fisheries funds. I believe this year it amounted to probably about \$18-\$19 million, all of the conservation fund money. Plus we picked up somewhere around I think \$4-\$4.5 million of federal funds.

We have got an operating budget of about \$23-\$23.5, maybe \$24 million, and the old oyster-seafood division that is not there anymore is about \$2-\$2.5 million. I believe that is correct and that includes the water pollution division.

If you take the revenues that are being generated from the old method, which is shell royalties, oyster lease money, surveys, all this money that was generated at one time for the old oyster division of a few years ago, we would probably be on about an even keel because I think in the shell production we are looking at about \$2.1-\$2.2 million, shell severance.

What I am saying is this, that the direct revenues coming from the oyster people, direct revenues -- not shell, it doesn't come directly from the oyster industry -- but the direct revenues



coming from the oyster industry is not enough if you would continue to finance the oyster division under the old method. But you have got to forget about this old method. We are operating on a new system where we are operating out of the conservation fund within the general fund.

This year we are receiving approximately \$5 million I believe from the general fund. Isn't that right? \$3 million from the general fund, to be able to properly finance the oyster division, to be able to properly finance the game division, to properly finance our refuge division, properly finance the enforcement division and what-have-you, all the aspects of Wildlife and Fisheries.

If you want to go into the real, real information, change of information on the budget, I will be happy to do it. It will take us many hours. I am prepared to do it. But what is your particular question and I will try to answer it.

MR. M. J. FARAC: There is no way I can understand that, that you take the oyster fishermen and you set up a program just for them, with the oil companies going across our grounds and drilling



on our reefs and everything of the state grounds, that we can't survey and stuff like this here, the royalties you are going to collect from them and different other ones. You subtract, take the oysters away from the whole other thing and put it completely separate, you all could do anything you want with that.

SECRETARY ANGELLE: No, we don't get any royalties from the production of oil when they go through an oil lease. We get the royalties on production of oil on property that Wildlife and Fisheries owns, not on state-owned lands.

MR. FARAC: You don't get nothing off the state-owned lands?

SECRETARY ANGELLE: No, sir, not one penny.

MR. FARAC: When they cut through it and this and that?

SECRETARY ANGELLE: No, siree, not one penny.

MR. FARAC: I thought you all got it there, too.

SECRETARY ANGELLE: No, sir. The only



properties, the only royalties we get from the State of Louisiana in oil royalties is royalties that comes out of Pass-a-Loutre and on Rockefeller Refuge and some of the outlying areas. Nothing at all that deals with the severance of oysters.

MR. FOX: I have got one question, one answer to your question.

SECRETARY ANGELLE: Oh, I am not asking any question. I am making statements.

MR. FOX: I want to answer that. You say the oyster division does not take care of itself. Do you think that everybody that buys a driver's license, that \$4 driver's license pays for all the highways in the state?

SECRETARY ANGELLE: Let me put my position correct right away. I am not asking the oyster division, you know, any more money on a per acre lease.

MR. FOX: That is what I want to know. Don't make it sound like we are the culprits and we are taking money away from the Department and not giving. Neither is anybody else. Nothing else in the state is self-sufficient, either.



(Chairman Berry here resumed the Chair.)

SECRETARY ANGELLE: We will get that record straight.

THE CHAIRMAN: I am going to have to insist that you go to the podium and be recorded. You can't be heard from out in the audience. Would you go to the podium, please, sir?

MR. LEOPOLD TALIANCICH: My name is Leopold Taliancich. I didn't come up to make no statement but I would like to clear a few things in my mind and everybody else's mind.

We say about the oyster division losing money on the oyster fishermen. Well, probably every division you have got is losing money on every other thing they have got because how does the trawlers -- I understand that this is the seafood and oyster division, which includes the trawlers, the trammel netters, the gill netters and includes the pollution control and all that, which we didn't do the polluting but it looks like they want us to pay for us; the people that did the polluting should pay for it. But, anyhow, how



do the trawlers pay their share and the trammel netters and the crabbers and all these people? How do the sportsmen pay their share? How do the fur people pay their share? They have got a division by themselves, them fur people, and there is not much money come from fur trappers, I know that much.

SECRETARY ANGELLE: This is the reason that I said we are getting somewhere about \$5.8 or \$6 million from oil royalties and about \$4 million from federal funds, and we receive \$3 million from general funds, over and above money that goes in the conservation fund, to be able to operate the whole Wildlife and Fisheries.

My responsibility is to operate Wildlife and Fisheries.

MR. TALIANCICH: Yes, I understand. My responsibility is to try to stay up there in the business and see that the rest of my family can stay in business.

SECRETARY ANGELLE: We have never questioned that.

MR. TALIANCICH: And also, you see, we



was given to believe by the legislature this summer, I believe you was up there, probably was, maybe you wasn't, when it came up about that shell dredging and all, the revenue for the shells, that the oyster division had enough money and if the shell money don't go to the oyster and water bottoms division --

SECRETARY ANGELLE: There is no more such thing as oyster and water bottoms division.

MR. TALIANCICH: Well, what justification do they have for digging oyster reefs, sometimes with live oysters?

THE CHAIRMAN: The revenue goes to the general fund.

MR. TALIANCICH: But that was the reason for letting them dig and giving them leases so that it would make up the money which you all fall short.

SECRETARY ANGELLE: I don't follow you. Who are you talking about, letting who dig? The oil companies?

MR. TALIANCICH: The legislature give the revenue from the shells to the Wildlife and



Fisheries.

FROM THE FLOOR: The suction dredges.

MR. TALIANCICH: The suction dredges or whatever you want to call it.

SECRETARY ANGELLE: That has been repealed. We still get the money but, you know, it is not done for the oyster division.

MR. TALIANCICH: Well, let me ask you one thing.

SECRETARY ANGELLE: We administratively provide enough money to the oyster division, as you know it, to properly administer the function of the oyster division. Approved by Dr. St. Amant, approved by Harry Schafer. Approved by our fiscal people and approved by the legislature. Just like the necessary amount of money is appropriated to properly run the enforcement division, the refuge division, the game division.

MR. TALIANCICH: Well, let me ask you one other thing. If the rent don't go up, will Wildlife and Fisheries checks bounce or anything?

SECRETARY ANGELLE: No, sir.

MR. TALIANCICH: Well, that little money



you all are going to get out of us isn't going to help that much but it is going to work a hardship. You see, anything you all raise us would have to be at least 100 percent.

Mr. Berry made a nice speech I liked a little while ago and I want to comment on it right now, but a month ago or two months ago when it was brought up to raise up the severance tax on the sand, I understood at that time it was no go because it was inflationary and it was only a 50 percent raise upon the severance tax.

THE CHAIRMAN: That sand price was doubled several years ago.

MR. FARRELLY: We are looking at it again right now.

THE CHAIRMAN: We are looking at it again right now to raise it. It was raised from a nickel a yard to 10 cents a yard, I believe, what? -- three years ago.

MR. SCHAFER: That was two years ago and we did not have enough time for all the contracts to come in, and the 10 cents just went into effect for the last batch that the contracts, so --



MR. TALIANCICH: Regardless, one thing about anything, the truth always comes out and the people that are advocating raising the taxes in the business, it just came out a little minute ago, that it is nothing but personal animosity, their bitterness, they want to raise it to hurt other people. Like maybe you could fill this room with people that want to go up on the leases. They want to take the leases away from them that has got it and give it to them that ain't got it. Well, a lot of those people -- I ain't going to call them what they are -- but a lot of them people has got a Communist education and a lot of them is immigrants that is illegally operating boats, documented boats, but we don't do nothing about them because we are not bitterness about them. You never heard us yet come here and advocate a closed fishery or a limited entry or nothing. I say let anybody who wants to go in it, come in it, because, boy, they have come and they have gone.

As far as the merits of the dollars, I spoke my head off on it before and I could do it again, but I know you don't want to hear it. I



thought this thing was supposed to be settled. What is the use with me to compromise today? Next month or a year from now, you will be wanting to go up again. If I remember correctly, when all the hearings was held, that was summer before last.

THE CHAIRMAN: Leopold, nobody is asking you to compromise anything. We are only trying to get input from the oyster industry on what to do on this problem.

MR. TALIANCICH: Well, like you say, you all can do what you want. Thank you, gentlemen.

THE CHAIRMAN: Thank you.

MR. RIGGS: All I know, Leopold, you all are pretty strong because that price has been there for 75 years.

MR. TALIANCICH: Not 75 years. 75 years ago, even 40 years ago, we made our living, my daddy, myself and my brothers, on 30 acres because we had good water and we didn't have no pollution. I have got 135 acres at Shell Key, I mean Point au Fer and I never got an oyster off it because it is polluted. I have got some down the river and I don't get no oysters off them because they is



polluted. Plenty of those oysters, I mean I put them in with my sweat and my health.

THE CHAIRMAN: Let me recognize this gentleman here.

MR. W. A. KASS, IV: My name is W. A. Kass, IV. I represent Westside Oyster Farmers.

The first thing, this is supposed to be a fact-finding, and I think this is what we ought to be presenting to you people. First of all, when you say an oyster fisherman, that is not the same as an oyster farmer. When you are talking about raising the taxes, you are talking about it really is not a tax. Let's clarify that, too. It is a privilege to farm this land, not a tax.

Very few oyster farmers are in this state. Start checking the acreage. I am sure Mr. Schafer can come up with one heck of a figure on total number of acres that can produce oysters and total number of acres under lease. Right away the oyster farmer is trying to keep this industry going and is the one being taxed, not the whole industry, because here comes a guy, there is probably a few oysters on a wild reef this year,



he throws a set of dredges on a trawl boat and he is out there fishing.

I brought it up years ago. Why not put a production tax? Let's all pay our fair share. If you really check, it is not a fair share if it's maybe 10 or 15 percent of us that is trying to keep the industry going.

Mr. Chairman, you brought out about raising the price. That is a beautiful thing if you have something to sell, but I think Chevrolet would be out of business if they overpriced their cars on Cadillacs, and you could see a reason. Right now, Florida can beat us by \$3, \$4 and \$5 a gallon delivered on our market. Virginia and Maryland are shipping oysters and beating us by \$2 and \$3 a gallon, delivered on our market. That is a point of information. We can't go any higher.

Now, you want solutions. You all came up with a problem two years ago, two and a half years ago, said the survey department is losing money. When all the ruckus settled down in the room and we really sat down, we said, fine, the survey is losing the money, put the prices where



they should be. We even asked and never questioned what it cost, and we went above it.

I think if we are still having some problems, maybe we ought to bring some auditors in and start seeing where the figures are at. Put these figures together, see what it costs and what services we are getting. As a farmer, I feel we are getting no services. As a fisherman, forget it, so I am going to get a few shells planted, which is another thing. We are ten years behind time. All of a sudden we are caught in a crunch and, believe me, if you don't think the oyster business is in bad shape, you are looking at a man that put his plant up for sale, a plant capable of producing four or five thousand gallons a week. As soon as I sell this building, I am going to go build another plant that I can shuck maybe a hundred gallons a day, because that is how depleted this industry is.

Every man in this room is starting to economize. He is selling boats, he is looking for any kind of automation, because he can't make ends meet. There was a meeting yesterday in Belle



Chasse. The FHA is offering money because the fishermen, or the farmers, I should say, because that was one of the stipulations in the loans, you had to be a farmer, you had to have leased lands, because if you don't have this investment, you just go on to something else and there is nothing lost.

I am sure every one of you is in business and if you put a million dollar investment up, you have to have it protected some way, shape or form. Right now to jump to \$1.50 I think would do destruction to the business. Not that some of us can't afford it. I will keep my leases forever because some way I will find the money, and I don't need the oyster business to survive, but I feel sorry for the poor people that is in this industry has doesn't have an education to get another job, and I think this is something we should look at in this state.

You just had an alligator season. Who did it benefit? It sure didn't benefit a white-tie-and-collar guy in the office making a lot of money. It is the individual who doesn't have the education to go out but he has the pride and he



made a good living, he made an honest living.

I think if you sit down with industry, there is a lot of things can be accomplished, a lot of things can be straightened out and I don't think the whole fault is on industry. And right now we are at an all-time low, and it is going to get worse. I say we have got one more bad year ahead of us before we can possibly pick up.

We talk about all this federal money. This industry knows better than anybody about this federal money. We applied for it before we came to the Wildlife and Fisheries and asked their help when we found out it couldn't come directly into the industry, it had to come through an agency. All the leg work was done, and it is free money sitting up there, and I will quote the federal man that came down here to inspect these reefs. He said this was the first inspection he made that the money was dedicated for was finally used to replenish industries in Louisiana that was destroyed.

I have not bitterness to the oil companies. They are in business to make money. They will do whatever the law or whatever the people allow them



to do. We will do it, too. There is no dispute about that. There is a lot of arguments come up about these reservations. Fine, if you want to take a reservation away and make a seed ground, I am 100 percent for it. But what has been done after these reefs have been taken away? Has there been any conservation put on that?

This is a question you can go back to your people and ask, and I think maybe you will find that some of the bitterness created around here is not directly the fault of this Commission or the fishermen or the farmers. It is misinformation pushed around. There is a lot of situations but, believe me, start checking and you will find out that this industry is in bad shape.

MR. RIGGS: Why can Virginia and other states undersell Louisiana oysters? Because they are more plentiful?

MR. KASS: No, sir. The main problem was -- I will use Florida because it is a real cut-and-dried deal -- Florida for years had no conservation department when it came down to the commercial oyster. It was just where they grew.



They didn't care if it was polluted, they went fishing. Mississippi did the same thing. They created a new division of it and I mean it was running. They wanted to know the problems and they got out and started solving them. Now all of a sudden Florida's production is up about 400 percent. Even Mississippi's production is up, even with the storms they are having. Virginia is the same way. They find out the problems and they get out and solve them, and it is not always money, the problems. I am sure you all have had past experience with many things that is not money.

SECRETARY ANGELLE: Mr. Kass, do I interpret what you are saying now as I am kind of reading between the lines, and if there is, I would like to know, because I am trying to be candid, are you saying that our Department, not the Commission, are you saying the Louisiana Department, Seafood Division, Oyster Division, whatever, has not addressed some of the problems like they have in Mississippi or in Virginia or in Florida?

MR. KASS: Definitely.

SECRETARY ANGELLE: Are you in a posture



to provide me your recommendations as to what are the problems and how to solve them.

MR. KASS: One of the problems would be -

SECRETARY ANGELLE: I don't want them right now. I want them in writing later on.

MR. KASS: They are short. One of them is being solved right now. The state was about ten years behind in shell planting, and this was free money. This was something the state didn't have to come up with. This is money that was just laying there to be taken, and nobody went after it.

THE CHAIRMAN: Well, it is federal money but there ain't no such thing as free money. It will have some strings on it somewhere.

MR. KASS: Well, if we don't get it, somebody else is going to get it, and it is due to us, and I think we ought to have it.

THE CHAIRMAN: I agree with you on that point, but as far as it being free money, there ain't nothing free. Before the government can give you one red cent or me one red cent or the oyster industry one red cent, they have first got to bloodsuck somebody and take it away from them to



provide it. There ain't nothing free. It is somebody else's labor and somebody else's work and they have got to address them or bloodsuck them to get it to put it there to tell you it is free money, but don't believe that poppycock. There ain't no such thing as free money.

MR. KASS: Mr. Berry, I will tell you one thing about this oyster industry, seriously. It has not only been pushed around, it has been stepped on by the federal government. We don't have a love for them. We had a meeting right here in the Jung Hotel six years ago where the federal government walked in with their attorneys and said we are going to shut down the oyster industry in the United States, period.

Did you know what the State of Maryland did for their oyster division? The next morning the assistant attorney general was sitting at two o'clock at the hotel, providing us with legal advice.

We have been pushed around and we are ready to sit down and talk. I think you found that out that we bring out some good points. We may be



prejudiced on some of them but we bring up the points.

The point I am trying to make in general is two and a half years ago you brought up a problem. We asked what was the problem. We are losing money, we need more money, period.

THE CHAIRMAN: Let me say this. Let me interrupt you and just read you the schedule here on what it costs you on your leases. This is a 15-year lease. On anywhere from 200 to 1,000 acres, your first 10 acres cost you \$80, from 11 to 20 acres, \$120, from 21 to 200 acres, \$2 additional for each acre after 20 acres, and you go to 1,000, it is \$1, and that is for 15 years. You divide 15 years into those charges and you are just talking about pennies an acre for that additional ones leased that the Department requested on the additional money for the --

MR. KASS: You are quoting the survey fees, right?

THE CHAIRMAN: Yes, sir.

MR. KASS: That is a one-shot affair, right?



THE CHAIRMAN: Yes, sir.

MR. KASS: O. K., after that you pay \$1 an acre for the privilege of farming that piece of ground.

THE CHAIRMAN: Right.

MR. KASS: Which services are included in that dollar an acre?

THE CHAIRMAN: Well, let me say this, I don't know anywhere in the country that you can lease land for \$1 an acre to farm on, of any sort, that has been the same price per acre on farming. I am not talking about the services to get it surveyed and to get it plotted and that kind of thing, but just the price on the land itself. There is nowhere in the world that I know of that you can lease land for \$1 an acre to farm on for any kind of farming, fishing, oyster or any other thing.

I am saying that this Commission has been approached by some oyster fishermen to raise it. We have been approached by other people within the Wildlife Department to raise it, and we are merely looking into it to see if there is justification for it. We are trying to get input.



MR. KASS: Can I insert one thing that no one has taken into consideration? We are looking at \$1 an acre. That looks pretty cheap.

THE CHAIRMAN: It is cheap, Mr. Kass.

MR. KASS: We are making money sometimes. That is why I said about a production tax. What happens when you come back? Fine, if it is worth \$10 an acre now and a storm comes along and ruins us, who is going to have the money to continue the lease?

THE CHAIRMAN: Mr. Kass, let me inject this. If they are talking about going in and taking \$20,000, \$30,000, \$40,000 away from you, by law you can only own one lease. The most it would cost you if you had 1,000 acres leased would be \$1,000 a year more if we raised it \$1 an acre. If you have got a 100-acre lease, it would cost you \$100 more. And you are sitting here, telling me, that the man who has got a hundred-acre oyster lease, if he had to pay \$100 or \$200 a year more for that lease, it would break him and put him out of business. If his business is that marginal, maybe he ought to find something else where he can



make a good living.

MR. KASS: The proposal wasn't a dollar an acre increase. They keep hollering \$5 an acre.

THE CHAIRMAN: There has been no proposal. This Commission is limited to \$5. Anywhere from \$1 to \$5. Minimum is one, maximum is five. There has been no proposal of five dollars an acre. That is the maximum this Commission could go and that is what this Commission is trying to ascertain now, as to how far it should go to protect the people in this state when they are leasing their properties out. That land doesn't belong to us. It doesn't belong to you. It belongs to every citizen in the State of Louisiana and some of them feel like they are getting gypped when you get a chance to lease that acreage for \$1 an acre. That is what it boils down to.

MR. KASS: You just brought out a real good point. Keep the lease for a dollar an acre. What does sugar cane land go for?

THE CHAIRMAN: I imagine it goes for \$800 an acre, \$1,000 an acre. I don't know.

MR. KASS: I don't think it goes that



high but remember one thing. We had that acre leased. We are doing a service besides earning a living. The more oysters grow in this state, the more fish, the more anything else --

THE CHAIRMAN: How are you doing a service by leasing that?

MR. KASS: We are doing a service, we are protecting that bottom. I am talking about the farmer, I am not talking about the guy that just goes out there and fish a few sacks and gets a few bucks and forgets about it. I am talking about the farmer that plants shells. They get out there and they have got to take care of that land and make sure it is conserved right, because if you want to match lands, I will take you to my bedding grounds right next to the state reservation and you can't find enough to cook off that state reservation when you want to check it. Come over on my acreage. But it costs me money. I thought about having to buy an airplane now to protect it.

This is what I am saying is starting to hit us. But, remember this, too. We don't run anybody off. The trawlers can make a living on



that, the crabbers make a living on top of that reef, and you ask a crab fisherman where he wants to fish at, where he wants to put that crab trap at. Ask that sports fisherman where he wants to fish.

THE CHAIRMAN: Mr. Kass, it doesn't sound to me like you are going broke if you can afford an airplane to survey your lease with.

MR. KASS: Mr. Berry, I am like you, I don't do one thing for a living, and if I have to depend on the oyster business, yes, three years in a row we went in the red. This will make the third one and next year I predict the same thing. And I told you, I am not worried for myself. It makes no difference to me, but it makes a difference to some of these people that are uneducated, they have nothing else, and they have 10 or 15 more years on their lives. This is what I am concerned about. If I was worried about myself, I would say to heck with it. Do what you all want. Go to \$100. It wouldn't hurt me.

THE CHAIRMAN: We are concerned about it. That is why we are taking this input today.



That is what I said in the beginning. You all are looking for information. I am not coming up here to pick no bones. I just want to give some information, what is happening. Believe me, I would love to see this industry where it belongs. Virginia and Maryland combined cannot produce what we can produce, and remember, that is jobs, that is people.

THE CHAIRMAN: Let me ask you this, Mr. Kass. You said "where it belongs." We have got over 200,000 acres of land leased out at \$1 an acre, 230-240,000 acres. I think anybody will agree anywhere in the world that that is cheap leased acreage. I don't think we are charged with working your leases or producing the oysters for you. Where does the fault really lie? Does it lie somewhat in the fishermen themselves or the farmers or is it a combination of maybe their management and a combination of the weather and the elements of nature? I don't think you can address that question and lay that blame on this Commission because it is Wildlife and Fisheries.

MR. KASS: I wouldn't try to because it



is a compound problem.

THE CHAIRMAN: I will tell you it is a compound problem but it is hard for me to believe that the State of Florida and the State of Virginia and the other areas that you mentioned can produce oysters a lot cheaper and ship them those distances into this state and sell them two or three dollars cheaper than we can here. We need to address the problem and really look at it. That is a very serious problem.

MR. KASS: I guarantee you I can produce the documents if you want. It is no problem. One of the men just left here who is importing shell stock from Virginia.

THE CHAIRMAN: You are in the business. Tell me why that is. Is it because other states have subsidized them, the oyster industry?

MR. KASS: No, those states are not being subsidized. They have working --

THE CHAIRMAN: Well, why? You tell me, you are in the business, you tell me why we can't produce an oyster in what I think is one of the finest places in the world to produce them, why



we can't produce them as cheap as those people can and pay to haul them down here. Is it our management? Is that the problem?

MR. KASS: You want an answer, straight answer?

THE CHAIRMAN: Yes, sir, I sure do.

MR. KASS: It is your management.

THE CHAIRMAN: But whose management? You have got the land and --

MR. KASS: Wildlife and Fisheries I am blaming now.

THE CHAIRMAN: I want to talk about it. What do I have to do with it? When you lease 100 acres, this department is not supposed to go in and mess with it.

MR. KASS: We are not talking about those acreages. I will tell you why we are struggling on our private acreage. Because the thief does not have the wild reef to do dredge on. The fishermen. Remember that word I said. He doesn't have the wild reefs. There is nothing left of the wild reefs. So who is he going to pick on? If there is no more money in the bank, where does the



robber go? He is going out and find him someplace.

THE CHAIRMAN: You have got a problem of thieves, then. That is your problem.

MR. KASS: Do we have a problem! That is why I bought the plane for, to keep them off. But the problem of the state is pushing that problem down on us. We are just the victims. We are getting burnt.

THE CHAIRMAN: How do you think we are pushing it down on you? I don't understand that.

MR. KASS: By the wild reefs being depleted. You have your biologists. Ask the biologists. Ask the figures about the wild reefs being depleted. These people have no place to steal or illegally fish or whatever you want to call it. So who are they coming to?

I will bring up the example right now because I want it to come before the Commission to ask that Hackberry Bay be closed, the seed ground reservation. The reason is the heart of Hackberry is clean. There is nothing left. The first day they had approximately 80 boats in there. By the 30th day it was down to about six



or eight boats, because it is depleted. But the six or eight that hung around is still there. You know what they are fishing on? My ground and five other men that is in here, and we have got to keep running them off.

THE CHAIRMAN: Why don't you catch them and charge them and prosecute them?

MR. KASS: Have you ever seen an oyster thief prosecuted? I don't want you to answer that. Check the records.

THE CHAIRMAN: How are we charged with the responsibility? If you can't protect your own self, how can we protect you?

MR. KASS: I am not charging you with the responsibility. You asked me what was the problem. I am telling you where the problem is coming from.

THE CHAIRMAN: Well, you said it was our fault and we had pushed that down on you.

MR. KASS: Oh, now, wait a minute. If we are going to get back to the wild reefs, yes, it is the general fault of the State of Louisiana, if you want to put it on the Commission or whoever



it is. Shell plants are behind ten years. Fine, sure, a few fishermen got up and made a few trips to Washington and found out we had some money. Why didn't the Department do that?

THE CHAIRMAN: In essence, you are saying we aren't subsidizing your industry enough with shell plants.

MR. KASS: No, I don't think -- no, that is not subsidizing. That money is up there and labelled.

THE CHAIRMAN: No, sir. When you have to take money from somebody else, federal or anybody else, somebody had to work for that money and give it to any other industry, to promote your industry and make it work; that is a subsidy any way you look at it.

MR. KASS: It is not a subsidy. Coastal Energy Impact Funds were created for the damages that was done from mineral extraction in the State of Louisiana and any other state, and I don't think that is a subsidy program. That was damages done. Had all of this been done 20 years ago when they first came in, you wouldn't have had all these



damages.

THE CHAIRMAN: Of course, the federal government set up the Coastal Energy Impact Fund. We didn't set that up and it is not of our making.

MR. KASS: But the money is there and the money is duly ours. I don't care who has it.

THE CHAIRMAN: Well, to get back to it, I am sure that Florida didn't get a nickel before we did and I am sure that Maryland didn't get it.

MR. KASS: Florida didn't get any of that money. It came out of the state treasury because they seen an industry dying and they started going back.

THE CHAIRMAN: Well, they subsidized the industry out of the Florida state treasury then.

MR. KASS: Well, it is either that or give them welfare and food stamps.

THE CHAIRMAN: What I am trying to do is find out where our problem is and how to address the problem.

MR. KASS: They got a working program going.

THE CHAIRMAN: A working subsidy, you



are saying.

MR. KASS: No, it ain't no working subsidy. They have got a management program.

THE CHAIRMAN: When you take money out of the state treasury to promote an industry, you are subsidizing that industry.

MR. KASS: All right, then --

THE CHAIRMAN: Wait, Mr. Kass. If we need to do that, we need to address that problem.

MR. KASS: O. K., then when the industry starts producing and paying taxes, then they use that to subsidize some other industry. Isn't it a big circle? It is a big vicious circle.

THE CHAIRMAN: Mr. Kass, I am not trying to put blame on anybody, I am not accusing anybody of anything. What I am trying to do is find what the facts are to see how we can address this problem.

MR. KASS: I will tell you, I think the state is not taking full advantage of the production that can be produced in the State of Louisiana because there is no way to not take it. You said it, our state is so capable of producing. It



is not only the oyster business, everything is down. Every time you look at something, the shrimp industry is not up like it should be, the crab industry is having their problems.

THE CHAIRMAN: Of course, the shrimp industry comes and goes. They had a good year several years ago.

MR. KASS: That is a lucky point, too.

THE CHAIRMAN: From my friends in the shrimp industry, we have found out historically -- and I for one was a non-believer when I first came on the Commission, but I know now beyond a shadow of a doubt, when you have got good warm water and high salinity in the last part of December and the first part of January and February, you are going to have plenty of shrimp whether you like it or not. On the other hand, if you have got cold water in close to the shores and no salinity, if you are going to have any shrimp, you are going to have to take them in a box and put them out there because they are damned sure not going to grow out there.

MR. KASS: It is just a little bit different with the oyster industry. If there is an



industry that can be consistent, excluding storms, let's face that -- but the shrimp industry is not a consistent industry. It could be up for two or three years, and this is the past pattern, and down for a year or two, but here is an industry if you would take the full potential would be constant employment.

When you talk about subsidies, when you talk about welfare, you are looking at a man that hates it all. I would love to see Washington burn down and have to start over and get rid of some of these giveaway programs.

THE CHAIRMAN: I will give you the matches.

MR. KASS: Well, you are looking at a man that always did fight it. I have been working all my life, there is no giveaways.

THE CHAIRMAN: I am not sitting here, trying to be facetious or critical about this subsidy business. I am trying to find out what we need to do to get our industry back healthy again.

MR. KASS: I think it needs a serious --

THE CHAIRMAN: I am embarrassed as a Commission member to have the other states produce



more and better and cheaper oysters than we can produce in Louisiana.

MR. KASS: They are doing it.

THE CHAIRMAN: And I am trying to find out what our problem is. If they are subsidizing them to do it, that is what I want to know.

FROM THE FLOOR: Why don't you come and sit down with a few fishermen and they will tell you the problem.

THE CHAIRMAN: I can sit down with ten fishermen and I can get ten different opinions, and all of them in conflict.

Would you come up to the podium, please, sir. I am sorry, Mr. Matt. You are going to have to come to the podium to be heard.

MR. MATT FARAC: The reason why they are cheaper than us and can outsell us, they don't have to plant seeds like we do. You take every one of our boats, when we plant seeds for about two months, you can figure that is about \$20,000 in the red. That is the chance we are taking until them oysters survive, if they survive. If they survive, we do good. If they don't, we are



out. But in Virginia, Florida, they are there. You pick it and you have got hair on your head. They just go get them. They are there for the taking and there is where they can produce the cheap oyster. They don't have to bed it, just take it.

THE CHAIRMAN: Are we overfishing our oyster grounds? Is that why we don't have them there like they have got them?

MR. FARAC: I wouldn't say we are overfishing them. We just don't have the seed that is growing. Something is killing the spawn and I don't know what is causing it but it is not overfished when you don't have any oysters. You are out. They are not overfished; they didn't grow.

SECRETARY ANGELLE: The problem, number one, is that either natural or unnatural conditions are killing the spawn.

MR. FARAC: Something is killing the spawn. It does not kill the big oyster but it kills the spawn before it catches.

SECRETARY ANGELLE: Nobody knows what?

MR. FARAC: Well, I think that is why we



have biologists and that is to find out why.

SECRETARY ANGELLE: And they don't know why.

MR. FARAC: No, they don't. They got ideas but they don't know why. That is how come they can produce the cheap oysters. It don't cost them to rebed them, carry them from one side of the river to the other side. It costs us, say, to bed 20 or 25 loads, it costs us about \$15,000 or \$20,000, and then we take a chance on that oyster. We have got to wait for it till it gets the size to grow and everything else.

MR. RIGGS: Do they catch their oysters in the same manner that you all do?

MR. FARAC: What's that?

MR. RIGGS: Do they take their oysters in the same manner that you all do?

MR. FARAC: Who's that, Maryland and Virginia?

MR. RIGGS: Those other states.

MR. FARAC: No.

MR. RIGGS: Do they harvest them the same way you do?



MR. FARAC: No, no, they are there for the taking. They just go --

MR. RIGGS: No, I mean do they dredge them in the same manner that you do? Do they take them or gather them in the same manner?

MR. FARAC: No, no.

SECRETARY ANGELLE: Their cost of operation is less than yours?

MR. FARAC: Yes, a lot less, because everything is free. All they have got to worry about is a little loaf of bread and a little sandwich and fuel for the boat and they go and get the free stuff.

MR. RIGGS: The reason I asked that question is, in my mind, if you dredge the oysters you take everything. In other words, you don't leave any seed. If you hand tong them and cull them over the beds, which they do in Calcasieu Lake at home, you perpetuate the oyster bed at no cost. You can perpetuate it forever.

MR. FARAC: You see, sir, if I put you on that boat with me, you would take reef and everything because you don't know how to fish



oysters, or maybe you do, but I am going to throw that dredge overboard and I am going to dredge all clean oysters, very few shells, no gravel at all, because I am going to shorten that dredge. I am fishing oysters. Then when they get too shelly, I don't fish them at all. I pick them out, so I don't haul no shell and gravel. I haul oysters. You have got to know how to shorten that dredge and slack it as it is needed to catch the oysters. You know that, Burt.

SECRETARY ANGELLE: But we have established the fact that the reason these people from other states can send oysters to Louisiana two and three and four dollars a gallon cheaper than we can is because of that cost in that method of operation.

MR. KASS: No, sir, not completely.

SECRETARY ANGELLE: Well, you all tell me that and --

MR. KASS: No, it's not. They have a product to start with. They have a product to start with. It would be the same way if you took American Bay, and that is the only bedding ground



that is open to the state, and you sent a thousand trawlers --

SECRETARY ANGELLE: Well, you had a product at one time.

MR. KASS: What happened to that?

SECRETARY ANGELLE: You people are the ones who --

MR. KASS: No, sir, you are looking at a man never bedded off the wild reef. I have survived completely --

SECRETARY ANGELLE: We are not saying --

MR. KASS: I will tell you what happened to the reefs. Do you want to put everything out in the light?

THE CHAIRMAN: You are damned right.

MR. KASS: You are damned right. And when they are sacking, seed oysters got sold in this state and went to Virginia and got planted and those same oysters are destroying us right now. Now, you want to know the facts, you ask the gentlemen in here.

SECRETARY ANGELLE: Who did this?

MR. KASS: Who did this? Everybody.



They didn't give a damn.

SECRETARY ANGELLE: I don't think these Commission members did that, but who did it?

MR. KASS: The fishermen, not the farmers. The fishermen.

SECRETARY ANGELLE: I don't think the sugar farmer did it.

MR. KASS: The fishermen. You heard what I said, I told you, the fishermen.

SECRETARY ANGELLE: Which ones? Which ones?

MR. KASS: The fishermen, the ones that have no leases.

SECRETARY ANGELLE: What kind of fishermen?

MR. KASS: The oyster fishermen, not the oyster farmer. Let's not confuse the people now. This is no joke.

FROM THE FLOOR: Man, they got trawl boats and stuff and throw everything on there and just go after them.

MR. KASS: This is no joke.

THE CHAIRMAN: You are saying it is the oyster fishermen that decimated your oyster crop.



MR. KASS: Guys that had no future, could care less, Mr. Berry. You know yourself, if it is free, we take it, get what we can today, and to hell with it. But what we grow on our bedding grounds costs money to produce, so we protect it. You know who got a lot of it? You want to put the blame? Mississippi boats. You had about 65 factory boats working in there day and night. Where was the Conservation? We get out there and put a dredge in the water at night and we go to jail. Put the blame. But this is in the past, though. We are not worried about the past. You all want facts, and the fact I am telling you is the oysterman is dying.

THE CHAIRMAN: I don't believe they can operate 65 boats out there at night or any other time illegally without somebody in our enforcement department catching them.

MR. KASS: Mr. Berry, they had boats operating in the hundreds of count in this state without being touched.

THE CHAIRMAN: How many years ago has that been?



MR. KASS: Up till about three years ago I am not worried about the past. I am telling you, you asked what happened. We had the biggest crop in the world out there. When was it? '75, after the '73 spillway, '75. How much conservation was enforced? That is water under the bridge but how much was enforced?

THE CHAIRMAN: Let me say this, Mr. Kass. I still don't think this Department, this enforcement department, has allowed that much illegal fishing of oysters.

MR. KASS: Which department did you say?

THE CHAIRMAN: I don't believe our enforcement department has let hundreds of boats up until three years ago fish illegally in these oyster grounds. I know this, I know that I fly a great deal across this coast. I watch various and sundry things and I find something that is wrong. I think Mr. Steele can tell you, it wasn't too long ago he made an arrest here in Lake Pontchartrain because I spotted him as I left the airport and took off. I called him. I think, Tommy, you were involved in that.



MR. KASS: When you speak of enforcement, are you talking about the oyster enforcement division?

THE CHAIRMAN: I am talking about the enforcement division of the Wildlife and Fisheries.

MR. KASS: Because I know up to a short time ago, the enforcement division didn't care to touch any oyster law because they never knew what was on the books. I got a Senator out of bed at three o'clock in the morning. He didn't like it, but we got some enforcement down there. And then when they got the three of them down there, he said, "Look, I know anything about deer, about duck, but I don't know nothing about these oysters."

You asked the problem, and I am not trying to say that maybe we shouldn't have a raise, but I don't know if it ought to come on just a certain selected few. I think it ought to come industry-wide. I can fill this room --

THE CHAIRMAN: Let me say this. This Commission has no authority to tax the industry, industry-wide, you are talking about. That is a legislative matter. This Commission only has the



authority to look at and either leave it as is or raise the per-acre lease. That is the only route we have in this Commission. Any other facts you might want to get involved with in regard to taxing the industry, you need to take up with your representative and let him go forth.

MR. KASS: Maybe the Commission needs to sit down with the legislature, too, when you start hollering you need money and show them where they could get some of this money, but I don't feel that a select few should be taxed for the whole industry.

THE CHAIRMAN: My friend, it is not a select few. It is the people who have those 247,000 acres under lease for a dollar an acre.

MR. KASS: You bring up about the dollar an acre being around for so long.

THE CHAIRMAN: It has since 1904.

MR. KASS: Well, I wasn't around here then, I don't know, but in 1940-something or 1950-something, we will get it up a little closer, a man all he needed was 40 or 50 or 60 acres out in Grand Lake or Full Bayou, a place that can't produce oysters no more, because he could go on the



state leases and load that boat with seed oysters every day of the week he wanted.

THE CHAIRMAN: But that is different now that so much acreage has been leased up by so many people. There aren't many areas left that you can go get seed oysters off because they are all somebody's leases.

MR. KASS: No, sir, that's wrong. No, sir, that's wrong and I will tell you why. Most of your seed-producing areas that individuals have is west of the Mississippi. Nobody wants to have anything to do with that land. They didn't need it. They just went right out on the east side and got all they wanted. But you produced a better oyster if you kept it in Full Bayou or Grand Lake or something like that for a long time. You came out down the road. You took the gamble but you came out.

So, all he did was leased it, bottoms as clean as this table but hard as a rock. He took those oysters and planted them and sat on them, run the drumfish off, run the snails off. Then he got his profit out of them.



Through the years the seed grounds have depleted so bad and not all the time I am going to put the fault on the Commission or put the fault on the Wildlife and Fisheries or the State, because the storms destroyed it, but it has depleted, so if you want to stay in the oyster business, you became an oyster farmer, and you did like the farmer. You got out and you skull-dragged and you planted, you put shells, everywhere you could save shells, you saved them. I see boats coming up channels now dumping the shells that come off the wild reefs in the channels. That is not a farmer. That man knows how valuable those shells are because he has got to save them three days on a boat to bring them back and put them on his bedding ground. He will find a place to put them but he is not going to waste them. This is what happened. Now you have got to grow your own seed oysters.

THE CHAIRMAN: If we had used conservation measure 15 years ago, it would be the same way today.

MR. KASS: You are right there. Let me just close and say, I think if you all want infor-



mation, I think there is a lot of information available. Normally public hearings are a necessity but I think you can get more information if you have got a few minutes, stop on an oyster boat when you are flying by and sit down and talk to the man heart to heart, and I think he will give you an honest opinion and he is not afraid of being ridiculed, because he is going to give his honest opinion.

Everybody doesn't see eye to eye. I am sure you all don't see eye to eye on this Commission, otherwise we would only need one member. But there is a lot of honest facts out there. Let me say this much, this industry is hurting. I would say production in this state is going to be from 60 to 80 percent off this year. It could be that high next year. And I think in your hearts you have to look down and say, well, maybe we can wait another year, but maybe, something more important than raises, is get some working programs in this state. That is only done through cooperation with the farmers and with the Commission and everybody higher. As far as the animosity, the fighting,



it is not going to be nothing.

SECRETARY ANGELLE: Could you give me a list of these working programs you are talking about, provide them to me?

MR. KASS: No problem.

THE CHAIRMAN: Does anyone else wish to be heard? Leopold, make it short; I am getting tired of listening!

(Laughter)

MR. TALIANCICH: I know that, Mr. Berry.

THE CHAIRMAN: I am like you, I am getting hungry. I thought you would realize it is one o'clock.

MR. TALIANCICH: Mr. Berry, this whole thing of seed oysters, no seed oysters, started 20 years ago, when the ecology -- we all know that has been changing out there, the salt water intrusion come up on the east side of the river. At one time on the east side of the river we had enough oyster-producing areas and the oysters was thick enough that we could probably have substantiated every state of the Union with seed oysters, but they have all had their problems and we have



our problems, and things have been getting worse and worse.

Twenty years ago I didn't have but -- me and my brothers together, we didn't have but 325 acres. Then when the oysters started looking bad, you know, Mr. McConnell said the state can't produce seed oysters, you are going to have to produce your own, so we started producing our own. Taking land and bedding our shells, buying shells, hauling shells by the boat-load and everything else.

I am held back because I don't have seed oysters but I am not hurt the way it is going to put me out of business because of the work I have put into it. That is my resentment now, that some people didn't put the work into it and they got animosities and they want to take it away and give it to the have-nots. Some guys just come into the business, they look at you with their tongue hanging out, and sure they are going to talk behind your back, but they don't have the guts to come up and say it, because they know they got dirty linen up in their closet and that dirty linen is



going to get out.

We were just asked about Maryland. Well, I read all the trade magazines about Florida and Maryland and the whole bunch of them, and they have got their problems. You see, 20 years ago when we first bedded shells, we got them for 15 cents a yard from one of the companies because they wanted to dig some reefs that didn't produce no more, so that is where the shell program started every now and then. So, Maryland and all got interested in it so McConnell had to go up there and convince the people up there to let the shell companies -- not the Wildlife and Fisheries people but the fishermen -- to leave the shell companies dig these reefs that was under the mud and that and pay a severance tax and use that severance tax to bed shells.

Well, Maryland was down to nothing. Virginia was the big producer at that time. So they started building their business up, up, up. Now they are all going up there. They have been bedding 200,000 sacks a year out of the polluted areas into their clean areas plus the shell



planting, and it has been costing them \$2 a sack to bed these oysters and they get back 35 percent, so they have got the same argument you have got. Who is going to pay that difference?

We all got our problems, and I don't see where getting a few dollars more out of the people who have got the leases that is keeping the business going, that is the backbone of the business, whether this is going to help the problem or not. How much do you get off a man with his cattle up on the reservations? Probably nothing, because most of the time that is political patronage, and a doggone good steer is worth a thousand dollars today.

THE CHAIRMAN: I don't believe there is any cattle on Commission property anywhere today, has not been since the flood of '73. There was some cattle put on Commission property to keep them from drowning in low-lying areas. Not since 1973.

MR. TALIANCICH: Well, I know there used to be. There used to be a lot of them.

THE CHAIRMAN: That has been cleaned up



seven or eight years ago.

MR. TALIANCICH: Yeah, maybe so, but I still see the pens on Marsh Island and best I know they are still down there at Pass a Loutre. I haven't been down there in years.

THE CHAIRMAN: That is federal refuges, not state.

MR. TALIANCICH: Like I say, the truth always out on anything. The man that don't tell the truth, sooner or later he runs into humbug. One of the things we find out today, it is just man's bitterness. Well, that is not the kind of stuff to make decisions on, bitterness.

THE CHAIRMAN: On whose part?

MR. TALIANCICH: Well, a man got up here about he lost his bedding ground and all that and raise it to \$5 because they took his bedding ground and all that.

THE CHAIRMAN: Well, he is not the only man in the industry who is recommending it.

MR. TALIANCICH: Oh, I know that. There's a lot of take it away from the have-got and give it to the have-not. That is always. Even in your



business there is people, and those people that would have you take it away from one and give it to them, what do they do, clean it up and then --

THE CHAIRMAN: Mr. Leopold, we are not suggesting taking anything away from anybody. We are merely trying to ascertain what is a reasonable increase in the acreage lease that you possess and other people possess who fish oysters. We are mandated to administer this state property just exactly like I do my business. We are mandated by the legislature to look into these things and to hold hearings on them and to address the problems and to administer this program like any other good businessman would do. That is what we are charged with. That is the responsibility and as long as I am on the Commission I will be forced to do that. When I can't do that, then I will resign and go home. I am sure some of you would like me to do that and I would damned well like to do it. I get \$25 a day for coming down here. I am well paid for this. (Laughter) I am serious. I get \$25 a day for coming down to these meetings and the other members do, too, and we take a lot



of guff and a lot of criticism and, contrary to some beliefs, we try to do what we think is best for the most people in this state. We cannot please every special interest group. We have to try to take all the input we can get and look at the broad picture and do what we think is best for the people in this state and the future of this state and the future of the industries in this state. That is what we try to do, contrary to popular belief.

MR. TALIANCICH: If income tax wasn't such a taboo, nobody likes to divulge their income tax to their competitors, I would tell you one thing. All you have to do is look at the income tax return and you would know whether you would be justified or not.

THE CHAIRMAN: But, Leopold, do you pay income tax on every sack you sell to somebody down the street?

MR. TALIANCICH: Yes, sir. I deal with one man.

THE CHAIRMAN: What did you say a while ago about a man who lies, it will come back to



haunt him?

(Laughter)

MR. TALIANCICH: Now, whoa, wait, I will give some away! I give a lot of sacks away!

THE CHAIRMAN: Let's don't get into that! Let's don't get into that!

Ladies and gentlemen, the Chairman is going to set the date of the November meeting. The November meeting will be set on the 19th and 20th and the December meeting is set for the 17th and 18th. We don't normally set it that far ahead but it is the holiday season and we thought we would look at it. The 19th and 20th of November and the 17th and 18th of December.

Yes, sir.

MR. KASS: Mr. Chairman and Board, my purpose here today was to ask that Hackberry Bay be closed. I gave you the reason a little while earlier. You asked for some problems. This is the problem. This place is depleted. I don't want you to go on my thoughts. Ask the biologists.

THE CHAIRMAN: Mr. Schafer, will you take the podium, please. I would like to hear from you



for a little while. About five minutes and that's all!

MR. SCHAFER: Yes, sir.

SECRETARY ANGELLE: Have we closed Hackberry Bay?

MR. SCHAFER: Hackberry is not closed, no.

SECRETARY ANGELLE: Do you recommend we close Hackberry Bay?

MR. SCHAFER: It could be closed. There is a few oysters in there, there is a few people still there, but I think for the most part it could be closed.

SECRETARY ANGELLE: Are you recommending that, Harry?

MR. SCHAFER: I would recommend it be closed.

SECRETARY ANGELLE: Should we take action today on it? Can we take action today?

THE CHAIRMAN: I don't believe we can. It is not on the agenda.

SECRETARY ANGELLE: We can take emergency action to close an area because of over-



fishing or whatever.

MR. SCHAFER: Yes, I think when you opened it, you gave the authority to Mr. Angelle to open it, close it, based on biological reasons, so it can be closed.

SECRETARY ANGELLE: Biological information and we will issue the proper news release. Do we need a motion or anything like that?

MR. FARAC: Question. What about Belle Pass and that area over there? How do you feel that area is?

MR. SCHAFER: You are talking about the stuff that the Health Department has closed?

MR. FARAC: No, east of the river.

MR. SCHAFER: East of the river?

MR. FARAC: What you all opened up for the fishermen to fish this year. The most, the top boat, I believe was about 20 sacks, 15 or 20 sacks.

THE CHAIRMAN: If you are going to talk, come to the podium so we can hear you.

MR. SCHAFER: I don't have any recommendations from the field people. We had asked the



Bayou Lamoque structure be closed so that there could be a possibility of opening some extra area down there where we did find some oysters and so that these oysters could be put on the market for the Thanksgiving holiday, so they would have some oysters. We have not heard from the Health Department whether they have run their samples or not and I don't know the disposition of that request right now.

THE CHAIRMAN: Harry, would you yield?

MR. FARAC: I am not asking about the grounds that the Health Department had closed and everything. I am asking about what the state opened up for us to work this year. Have your biologists made any tests or anything out there to see if they are depleted or what? Any time a man gets out there and makes 15 or 20 sacks a day, I figure they are kind of depleted. What you think?

MR. SCHAFER: Well, that is kind of low for a day's work, going out there, hustling those seeds, but I have not heard from my field biologist about a recommendation to close this thing so I don't know. Again, you gave Mr. Angelle the



authority to close it. I can contact him today and if it is necessary, if they recommend it, I will recommend it to Mr. Angelle and we can get it closed.

MR. FARRELLY: I would like to suggest we review all the grounds that were opened, with your biologists, and then get back with Mr. Angelle. He has the authority to close everything but it looks like a review for everything is in order, not just certain areas.

MR. FARAC: Well, you see, Bayou LaBatte (?) shouldn't even have been opened up. They had plenty of spat, seed on the shells, that they did open up for fishermen to work.

MR. SCHAFER: We closed the area that we found the most spat in. They did have some spat down in that area down there but we felt that some of the area had to be opened for some of the fishermen to get some seed.

MR. FARAC: The Conservation job, the understanding that I had, was supposed to produce seed, not to produce sack oysters. There ain't a damned boat out there fishing seed. They are



fishing sack oysters off the state grounds. In other words, the oysters with the spat and everything should have never been opened, left growing until they was a nice size that the fishermen could have picked up and planted on the grounds, but instead you all opened it up for the fishermen to make sack oysters off it. That is not the job of the Wildlife and Fisheries. You are supposed to produce seed.

MR. SCHAFER: When the season was opened there was no spat out there because they hadn't had a spat fall at that time. The spat fall came after that time, after the season opened.

MR. FARAC: The biologist was out there with a bunch of fishermen. There was a sign of spat then and right after you opened the season there was twice as much showed up then.

MR. SCHAFER: We had those shell plants out there. We checked the shell plants. This is the whole area out there where you are talking about seed being available. When the shell plants were being planted, the last shell plant we were planting, as we finished one part of it and moved



over to the next part, that first part of it already had a catch, so if everything goes right, we should have some seed for next year.

THE CHAIRMAN: Harry, it looks like to me that maybe they are overfishing these areas and you might go back to what you did in Calcasieu Parish. Mr. Riggs, listen to me, please. Did you not all in Calcasieu Lake for the last 20 years have only tonging, no dredging?

MR. RIGGS: Toning only.

THE CHAIRMAN: And what has been the effect of that?

MR. RIGGS: They can't take an oyster smaller than three inches and they have to cull over the oyster beds, and it has been more or less perpetuated. They don't have any problems with it.

SECRETARY ANGELLE: The result of that is that a lot of people in the Terrebonne area have contacted and asked us that that area be opened for dredging and not only for tonging because there are a lot of oysters.

MR. RIGGS: Well, if you start dredging there, then you would wind up with the same problems



as these gentlemen, no oysters.

MR. FARAC: No, sir. It would be the same thing that the fishermen would take their oysters and cull them and put them in a sack. That is what you all are doing with tonging, it would be the same thing. But we have no enforcement, checking the sacks. A man does not have to check in the field 100 boats, maybe 200 boats. One man can cover the three docks in one evening within an hour's time, but you don't --

THE CHAIRMAN: As soon as he started coming over to the dock, they would go in somewhere else, though.

MR. FARAC: There is only three places they can unload oysters unless you are going to Mississippi with your load. You unload at Point a la Hache or Empire or Port Sulphur or Delacroix -- five places and two men can patrol the whole coastline where we unload oysters, instead of giving ten boats for them to go make fishing trips on. That is the way I look at it. Maybe I am wrong. I ain't seen nobody fishing.

THE CHAIRMAN: Harry, is that what you



all do, use those boats to fish on? Is that the purpose of them?

MR. SCHAFER: Well, I have never been fishing on them, so I can't speak for anybody else.

MR. FARAC: That is the attitude most of the fishermen got and that is what I have, you know. Really you don't need all the men out there in the field checking boats and this and that. All you need is two men and two vehicles and you can check the whole thing. Who has got under-sized oysters? Bring them back and put them on the seed grounds. Don't worry about a \$25-\$50 fine. Fine the man \$1,000 fine.

MR. SCHAFER: Mr. Chairman, about that fishing statement, I do want to emphasize again that at one time this was a fact, there were people using those boats, but since Mr. Angelle has been in there, you can go check, a monthly log, but non-Commission personnel on those boats and our people, we turn in a log monthly to Mr. Angelle. They are a public record. You can go in there and check them and see about fishing trips.



THE CHAIRMAN: Could somebody in enforcement comment about this thing, about two or three people doing the job of checking these oysters? I would like for somebody in enforcement to comment.

MR. SCHAFER: Well, I think most of these people were here at a meeting with Mr. Angelle. He is in the process of setting up a special oyster enforcement with some of the regular enforcement people and he met with them and made that concession to them, that they will have a special force to take care of all this problem that they are talking about now. This was brought out and everybody agreed that that was the thing to do. That is why they came in here especially. They said that was their biggest problem, that that was the thing, that once that was solved, everything would be taken care of. Mr. Angelle made the concession and got the thing started, so that should not be a problem any more.

MR. FARRELLY: Can I ask a question? What you suggest makes sense, you know, as far as going to the docking places to check them out. But would this force the outlaws, like you say, to



go to Mississippi? Could Mississippi check them or what?

(Many inaudible simultaneous comments from the floor.)

MR. RIGGS: Mr. Chairman, I move we adjourn.

THE CHAIRMAN: Gentlemen, this meeting stands adjourned for today.

(Whereupon, at 1:05 o'clock p.m., Tuesday, October 30, 1979, the meeting was adjourned.)

Kathryn G. Chamberlin,
Reporter.



Title: AN EXPERIMENTAL DEER HARVEST MANAGEMENT PROGRAM

Objective:

To investigate a deer harvest program designed to improve and maintain quality in deer herds.

Justification:

Over the past years we have become aware of the fact that many hunting club lands and other privately owned lands have become seriously overpopulated with deer. This has resulted in declines in quality of the animals and the range that they occupy, as evidenced by declining body weights and antler development, generally unacceptably high internal parasite loads, and increasing crop depredation on surrounding lands.

Past and present deer hunting regulations have generally allowed a short either-sex hunting season of 1-5 days in an effort to fit either-sex deer hunting into the overall hunting regulations on a state-wide basis. These regulations have not been flexible enough to allow proper management of deer herds on an individual basis.

Many clubs and other private landowners have indicated a desire for a change in either-sex deer hunting regulations that would allow selective harvest of antlerless deer over an extended period of time. This attitude has been prompted by high non-selective opening day kills during either-sex seasons, which are distasteful and objectionable to some club members, and have resulted in the curtailment of harvest of antlerless deer on those areas.

This proposal is designed to investigate a system for facilitating proper deer harvests on hunting clubs and privately owned lands where use of the system is requested.

Procedure:

Beechgrove Plantation, an 8,000-acre area in East Feliciana Parish has been selected as the initial area on which to conduct this experimental program during the next four regular deer hunting seasons. Beechgrove was selected because of small size, excellent control of ingress and egress, a deer population that is approaching the peak, a history of deer hunting results on the area and excellent cooperation by the landowner in previous and current research projects by the Coop. Wildlife Research Unit. The landowner, Mr. John W. Barton, has generously offered the use of Beechgrove for this experimental program with full knowledge of all the requirements.

1. A special either-sex deer season will be established on Beechgrove Plantation during the next 4 years. During the 1979-80 hunting season, it will run for the entire length of the third segment of the presently prescribed deer season for that area, Dec. 15 - Jan. 13. Similar seasons will be established during the remainder of the study. The either-sex season will be limited to those lands included in the legal description of Beechgrove Plantation ownership.
2. During this first special either-sex season 50 antlerless deer may be taken. In future seasons this number may be adjusted as deemed necessary. For this purpose, 50 non-reusable, self-locking, numbered tags will be issued. Immediately after each deer is killed, and before removal from the site of the kill a tag will be securely attached around one achilles tendon of each animal. This tag must remain with the carcass until it is completely dressed and quartered, in order that its origin may be established and verified upon inspection by any wildlife enforcement agent.

3. Complete biological information will be obtained from each deer taken during the special season, i.e., age, sex, weight, blood sample, etc., and weights, ages and antler development will be obtained on all bucks taken during the remainder of the season.
4. Indicators of deer herd condition such as parasite load and range condition will continue to be monitored during the period of this experimental program.
5. A report analyzing and evaluating biological information collected and efficiency of the system will be prepared and submitted to the Department of Wildlife and Fisheries 60 days after the close of the season.

It is understood that this is a pilot research project designed to obtain information that will be useful in management of individual deer herds, and in adapting this method of allocating either-sex hunting seasons to application on other areas.

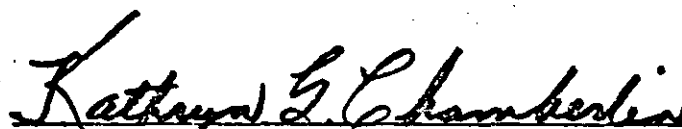
Responsible Agency:

The Louisiana Cooperative Wildlife Research Unit will obtain necessary biological information on all animals harvested and prepare the required report. This research program will be conducted under the auspices of the cooperative agreement between Louisiana Department of Wildlife and Fisheries, U.S. Fish and Wildlife Service, Louisiana State University, and Wildlife Management Institute.

C E R T I F I C A T E

I, the undersigned reporter, DO HEREBY CERTIFY that the above and foregoing (180 pages of typewritten matter) is a true and correct transcription of the tape recording and of the stenographic notes of the proceedings herein, transcribed by me, at the time and place hereinbefore noted.

New Orleans, Louisiana, this 7th day of
December, 1979.


Kathryn G. Chamberlin,
Reporter.

